Beachwood City Council Meeting Agenda
Monday, October 7, 2019, 7:00 PM
at Beachwood City Hall, Council Chambers,
25325 Fairmount Boulevard, Beachwood, Ohio 44122

-Pledge of Allegiance to the Flag of the United States of America-
Pledge of Allegiance led by: Gabriella Jones

Agenda Items

1. Roll Call

2. Reports

   a. Mayor

   b. Council Member (non-agenda items)

   c. Department Directors

3. Citizen's Remarks (City Council limits Citizen's Remarks to five (5) minutes each)

4. Approval of Minutes

   Approval of the Minutes of the Committee of the Whole Meeting held on August 5, 2019
   Approval of the Minutes of the Committee of the Whole Meeting held on August 19, 2019
   Approval of the Minutes of the Legal and Personnel Committee Meeting held on September 9, 2019
   Approval of the Minutes of the Regular Council meeting held on September 16, 2019

5. Finance & Insurance Committee
   Ordinance No. 2019-111
   An Ordinance authorizing and directing the payment of Certain Claims (Bills) for Professional and Other Services; and declaring this to be an urgent measure

6. Planning & Zoning Committee
   Ordinance No. 2018-94
   An Ordinance amending various sections of the City of Beachwood, Ohio Planning and Zoning Code ~~and the City of Beachwood, Ohio Building Code~~ to include the addition of Chapters 1108 and 1144, and the removal of Chapters 1115, 1149, and 1120 ~~1301, 1315, 1319, 1321, 1323, 1325, 1331, and 1333~~
   Placed on First Reading and referred to P&Z: May 7, 2018
   Referred to Public Hearing that will be held on April 1, 2019: February 4, 2019
   Public Hearing held on: April 1, 2019
   Tabled September 16, 2019
   Town Hall September 23, 2019

7.	Public Works Committee **Ordinance No. 2019-112**	An Ordinance accepting a Quotation from Murphy Tractor & Equipment Co., Inc. to purchase one (1) Eager-Beaver Trailer 25XPL for the City of Beachwood, Ohio Public Works Department; and declaring this to be an urgent measure
8.	Public Works Committee **Ordinance No. 2019-113**	An Ordinance Giving the Director of Transportation Consent to complete the Project described as the widening of Chagrin Boulevard (SR-87) north side pavement between Orange Place and Brainard Road in the Village of Orange and Woodmere and involving signalization in the City of Beachwood, and declaring this to be an urgent measure
9.	Safety & Public Health Committee **Ordinance No. 2019-114**	An Ordinance accepting a Quotation from H. Sutphen Fire Equipment LLC for the purchase of certain Holmatro Rescue Equipment for the City of Beachwood, Ohio Fire & Rescue Department; and declaring this to be an urgent measure
10.	Safety & Public Health Committee **Ordinance No. 2019-115**	An Ordinance accepting a Quotation from Howell Rescue Systems, Inc. for the purchase of certain Kodiak Rescue Equipment for the City of Beachwood, Ohio Fire & Rescue Department; and declaring this to be an urgent measure
11.	Safety & Public Health Committee **Ordinance No. 2019-116**	An Ordinance accepting a quotation from Finley Fire Equipment Co., for the purchase of certain Operational Equipment for the City of Beachwood, Ohio Fire & Rescue Department; and declaring this to be an urgent measure
12.	Safety & Public Health Committee **Ordinance No. 2019-117**	An Ordinance accepting a quotation from Finley Fire Equipment Co., for the purchase of a Vogel Lubrication System for the City of Beachwood, Ohio Fire & Rescue Department; and declaring this to be an urgent measure
13.	Safety & Public Health Committee **Ordinance No. 2019-118**	An Ordinance authorizing the Mayor to enter into an Agreement with Motorola Solutions, Inc. to provide Maintenance Services for Radio Back Haul Equipment for the City of Beachwood, Ohio Dispatch Center; and declaring this to be an urgent measure

BEACHWOOD CITY COUNCIL MINUTES OF THE COMMITTEE OF THE WHOLE MEETING HELD AT BEACHWOOD CITY HALL, CONFERENCE ROOM A, 25325 FAIRMOUNT BOULEVARD, ON MONDAY, AUGUST 5, 2019 AT 5:30 P.M.

The meeting was called to order at 5:31 P.M. by Council President Brian Linick.

ROLL CALL:	Present	J. Berns, A. Isaacson, B. B. Janovitz, B. Linick, J. Pasch, E. Synenberg
	Absent:	J. Taylor
	Also Present:	M. S. Horwitz, D. A. Calta, N. E. Supler, T. Turick,

1. Mayor's Reports

None.

2. Executive Session discussion regarding Imminent Litigation

Moved by J. Pasch, seconded by E. Synenberg, at 5:33 P.M. to enter into Executive Session.

ROLL CALL:	Yes:	J. Berns, A. Isaacson, B. B. Janovitz, B. Linick, J. Pasch, E. Synenberg
	Abstain:	None.
	No:	None.
	Not Voting:	None.
		MOTION ADOPTED

Back on the record at 6:21 P.M.

Moved by E. Synenberg, seconded by B. B. Janovitz, at 6:22 P.M. to adjourn Executive Session.

ROLL CALL:	Yes:	J. Berns, A. Isaacson, B. B. Janovitz, B. Linick, J. Pasch, E. Synenberg
	Abstain:	None.
	No:	None.
	Not Voting:	None.
		MOTION ADOPTED

A Motion was made at this time to recess the Committee of the Whole Meeting.

Moved by E. Synenberg, seconded by J. Berns, at 6:23 P.M. to recess the Committee of the Whole.

ROLL CALL:	Yes:	J. Berns, A. Isaacson, B. B. Janovitz, B. Linick, J. Pasch, E. Synenberg
	Abstain:	None.
	No:	None.
	Not Voting:	None.
		MOTION ADOPTED

A Motion was made at this time to reconvene the Committee of the Whole Meeting.

Moved by B. Linick, seconded by J. Berns, at 8:07 P.M. to reconvene the Committee of the Whole.

ROLL CALL:	Yes:	J. Berns, A. Isaacson, B. B. Janovitz, B. Linick, J. Pasch, E. Synenberg
	Abstain:	None.
	No:	None.
	Not Voting:	None.
		MOTION ADOPTED

A Motion was made at this time to reconvene the Executive Session.

Moved by A. Isaacson, seconded by J. Berns, at 8:08 P.M. to enter into Executive Session.

ROLL CALL:	Yes:	J. Berns, A. Isaacson, B. B. Janovitz, B. Linick, J. Pasch, E. Synenberg
	Abstain:	None.
	No:	None.
	Not Voting:	None.
		MOTION ADOPTED

Back on the record at 9:01 P.M.

Moved by J. Pasch, seconded by A. Isaacson, at 9:02 P.M. to adjourn Executive Session.

ROLL CALL:	Yes:	J. Berns, A. Isaacson, B. B. Janovitz, B. Linick, J. Pasch, E. Synenberg
	Abstain:	None.
	No:	None.
	Not Voting:	None.
		MOTION ADOPTED

3. Any other matters coming before the Committee of the Whole

None.

ADJOURNMENT

Moved by J. Pasch, seconded by A. Isaacson, at 9:03 P.M. to adjourn the Committee of the Whole Meeting.

ROLL CALL:	Yes:	J. Berns, A. Isaacson, B. B. Janovitz, B. Linick, J. Pasch, E. Synenberg
	Abstain:	None.
	No:	None.
	Not Voting:	None.
		MOTION ADOPTED

Approved:

_____
Martin S. Horwitz, Mayor

_____
Whitney M. Crook, Clerk of Council

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Pursuant to Ordinance Number 2017-107 Council has determined that the official Minutes of its Body, its Committees, and those of the Planning and Zoning Commission shall consist of the Audio Recording of the meetings together with a written synopsis of all agenda items and votes.

BEACHWOOD CITY COUNCIL MINUTES OF THE COMMITTEE OF THE WHOLE MEETING HELD AT BEACHWOOD CITY HALL, CONFERENCE ROOM A, 25325 FAIRMOUNT BOULEVARD, ON MONDAY, AUGUST 19, 2019 AT 5:30 P.M.

The meeting was called to order at 5:31 P.M. by Council President Brian Linick.

ROLL CALL:	Present	J. Berns, A. Isaacson, B. B. Janovitz, B. Linick, E. Synenberg, J. Taylor
	Absent:	J. Pasch
	Also Present:	None.

1. **Executive Session discussion regarding the employment of Special Counsel**

Moved by A. Isaacson, seconded by J. Taylor, at 5:32 P.M. to enter into Executive Session.

ROLL CALL:	Yes:	J. Berns, A. Isaacson, B. B. Janovitz, B. Linick, E. Synenberg, J. Taylor
	Abstain:	None.
	No:	None.
	Not Voting:	None.
		MOTION ADOPTED

Back on the record at 7:44 P.M.

Moved by J. Taylor, seconded by J. Berns, at 7:45 P.M. to adjourn Executive Session.

ROLL CALL:	Yes:	J. Berns, A. Isaacson, B. B. Janovitz, B. Linick, E. Synenberg, J. Taylor
	Abstain:	None.
	No:	None.
	Not Voting:	None.
		MOTION ADOPTED

ADJOURNMENT

Moved by A. Isaacson, seconded by J. Taylor, at 7:46 P.M. to adjourn the Committee of the Whole Meeting.

ROLL CALL:	Yes:	J. Berns, A. Isaacson, B. B. Janovitz, B. Linick, J. Pasch, E. Synenberg
	Abstain:	None.
	No:	None.
	Not Voting:	None.
		MOTION ADOPTED

Approved:

_____
Martin S. Horwitz, Mayor

_____
Whitney M. Crook, Clerk of Council

****

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BEACHWOOD CITY COUNCIL MINUTES OF THE LEGAL AND PERSONNEL COMMITTEE MEETING HELD AT BEACHWOOD CITY HALL, CONFERENCE ROOM A, 25325 FAIRMOUNT BOULEVARD, ON MONDAY, SEPTEMBER 19, 2019 AT 6:00 P.M.

The meeting was called to order at 6:02 P.M. by Chairman James Pasch.

ROLL CALL:	Present	J. Berns, B. Linick, J. Pasch, E. Synenberg
	Absent:	None.
	Also Present:	M. S. Horwitz, D. A. Calta, A. Isaacson, B. B. Janovitz, J. Taylor, T. Turick

1. Mayor's Reports

None.

2. Executive Session discussion regarding Threatened Litigation

Moved by J. Berns, seconded by E. Synenberg, at 6:03 P.M. to enter into Executive Session.

ROLL CALL:	Yes:	J. Berns, B. Linick, J. Pasch, E. Synenberg
	Abstain:	None.
	No:	None.
	Not Voting:	None.
		MOTION ADOPTED

Back on the record at 6:36 P.M.

Moved by E. Synenberg, seconded by J. Berns, at 6:37 P.M. to adjourn Executive Session.

ROLL CALL:	Yes:	J. Berns, B. Linick, J. Pasch, E. Synenberg
	No:	None.
	Not Voting:	None.
		MOTION ADOPTED

3. Any other matters coming before the Legal and Personnel Committee.

None.

ADJOURNMENT

Moved by J. Berns, seconded by E. Synenberg, at 6:38 P.M. to adjourn the Legal and Personnel Committee Meeting.

ROLL CALL:	Yes:	J. Berns, B. Linick, J. Pasch, E. Synenberg
	Abstain:	None.
	No:	None.
	Not Voting:	None.
		MOTION ADOPTED

Approved:

_____
Martin S. Horwitz, Mayor

_____
Whitney M. Crook, Clerk of Council

****

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BEACHWOOD CITY COUNCIL MINUTES OF THE REGULAR COUNCIL MEETING HELD AT BEACHWOOD CITY HALL, COUNCIL CHAMBERS, 25325 FAIRMOUNT BOULEVARD, ON MONDAY, SEPTEMBER 16, 2019 AT 7:00 P.M.

The meeting was called to order at 7:00 P.M. by Council Vice President James Pasch.

ROLL CALL:	Present:	J. Berns, A. Isaacson, B. B. Janovitz, J. Pasch, E. Synenberg, J. Taylor
	Absent:	B. Linick
	Also Present:	C. Arrietta, D. Calta, K. Carmen, G. Haba, L. Heiser, S. Holtzman, T. Turick

MAYOR'S REPORTS

Mayor Horwitz thanked Police, Fire, and Public Works for their actions on Friday night during the storms.

Mayor Horwitz visited Stone Gardens and attend the Patriots Day lunch.

Mayor Horwitz also mentioned that Shred Day and the grand opening of Barkwood would occur on September 22, 2019.

COUNCIL MEMBERS (NON-AGENDA ITEMS)

Mr. Isaacson also thanked Police, Fire and Public Works for their work on Friday.

DEPARTMENT DIRECTOR REPORTS

Ms. Carmen stated that Beachwood would be celebrating the 3rd annual Fall Festival on October 6, 2019.

CITIZEN'S REMARKS

Mike Burkons
2466 Richmond Road

Mr. Burkons spoke about levying mils.

Dan Singerman
2181 Halcyon Road

Mr. Singerman spoke about his power outage that occurred as a result of the previous Friday night storms.

APPROVAL OF MINUTES

Approval of the Minutes of the Building and Grounds Committee Meeting held on September 3, 2019.

Moved by J. Berns, seconded by J. Taylor, that the Minutes of the Building and Grounds Committee Meeting held on September 3, 2019 be approved.

ROLL CALL	Yes:	J. Berns, A. Isaacson, E. Synenberg
	No:	None.
	Abstain:	None.
	Not Voting:	None.
		MOTION ADOPTED

Approval of the Minutes of the Regular Council Meeting held on September 3, 2019.

Moved by J. Pasch, seconded by J. Taylor, that the Minutes of the Regular Council Meeting held on September 3, 2019 be approved.

ROLL CALL	Yes:	J. Berns, A. Isaacson, B. B. Janovitz, J. Pasch, E. Synenberg, J. Taylor
	No:	None.
	Abstain:	None.
	Not Voting:	None.
		MOTION ADOPTED

OATH OF OFFICE

Oath of Office administered by Martin S. Horwitz to Benjamin Reed and Christopher Daniels

BUILDING AND GROUNDS COMMITTEE

1. An Ordinance authorizing the Sale of the City Property located at the corner of Park East Drive and Richmond Road, Beachwood, Ohio; and declaring this to be an urgent measure.

Ms. Janovitz recused herself from this vote.

Moved by A. Isaacson, seconded by J. Berns, that Ordinance No. 2019-105 be placed on final reading.

ROLL CALL	Yes:	J. Berns, A. Isaacson, J. Pasch, E. Synenberg, Taylor
	No:	None.
	Abstain:	None.
	Not Voting:	None.
		MOTION ADOPTED-RULES SUSPENDED

Moved by A. Isaacson, seconded by J. Berns, that Ordinance No. 2019-105 be adopted.

ROLL CALL	Yes:	J. Berns, A. Isaacson, J. Pasch, E. Synenberg, Taylor
	No:	None.
	Abstain:	None.
	Not Voting:	None.
		MOTION ADOPTED

2. An Ordinance authorizing the Mayor to enter into a Site Lease Agreement with T-Mobile Central, LLC; and declaring this to be an urgent measure.

A Motion was made to Table this item.

Moved by J. Pasch, seconded by J. Taylor, that Ordinance No. 2019-97 be tabled.

ROLL CALL	Yes:	J. Berns, A. Isaacson, B. B. Janovitz, J. Pasch, E. Synenberg, Taylor
	No:	None.
	Abstain:	None.
	Not Voting:	None.
		MOTION ADOPTED

FINANCE AND INSURANCE COMMITTEE

1. An Ordinance authorizing and directing the payment of certain claims (Bills) for professional and other services; and declaring this to be an urgent measure.

Moved by J. Berns, seconded by B. B. Janovitz that Ordinance No. 2019-106 be placed on final reading.

ROLL CALL	Yes:	J. Berns, A. Isaacson, B. B. Janovitz, J. Pasch, E. Synenberg, Taylor
	No:	None.
	Abstain:	None.
	Not Voting:	None.
		MOTION ADOPTED-RULES SUSPENDED

Moved by J. Berns, seconded by B. B. Janovitz, that Ordinance No. 2019-106 be adopted.

ROLL CALL	Yes:	J. Berns, A. Isaacson, B. B. Janovitz, J. Pasch, E. Synenberg, Taylor
	No:	None.
	Abstain:	None.
	Not Voting:	None.
		MOTION ADOPTED

2. An Ordinance Amending Appropriations for Current Expenditures and Other Expenses of the City of Beachwood, State of Ohio, for the Fiscal Year 2019, January 1, 2019 to December 31, 2019, Inclusive; and declaring this to be an urgent measure.

Moved by J. Taylor, seconded by E. Synenberg, that Ordinance No. 2019-107 be placed on final reading.

ROLL CALL	Yes:	J. Berns, A. Isaacson, B. B. Janovitz, J. Pasch, E. Synenberg, Taylor
	No:	None.
	Abstain:	None.
	Not Voting:	None.
		MOTION ADOPTED-RULES SUSPENDED

Moved by J. Taylor, seconded by E. Synenberg, that Ordinance No. 2019-107 be adopted.

ROLL CALL	Yes:	J. Berns, A. Isaacson, B. B. Janovitz, J. Pasch, E. Synenberg, Taylor
	No:	None.
	Abstain:	None.
	Not Voting:	None.
		MOTION ADOPTED

FINANCE AND INSURANCE COMMITTEE (CONTINUED)

3. An Ordinance accepting the Amounts and Rates as determined by the Budget Commission and authorizing the necessary Tax Levies and Certifying them to the County Fiscal Officer; and declaring this to be an urgent measure.

Moved by E. Synenberg, seconded by A. Isaacson, that Resolution No. 2019-2 be placed on final reading.

ROLL CALL	Yes:	J. Berns, A. Isaacson, B. B. Janovitz, J. Pasch, E. Synenberg, Taylor
	No:	None.
	Abstain:	None.
	Not Voting:	None.
		MOTION ADOPTED-RULES SUSPENDED

Moved by E. Synenberg, seconded by A. Isaacson, that Resolution No. 2019-2 be adopted.

ROLL CALL	Yes:	J. Berns, A. Isaacson, B. B. Janovitz, J. Pasch, E. Synenberg, Taylor
	No:	None.
	Abstain:	None.
	Not Voting:	None.
		MOTION ADOPTED

4. An Ordinance accepting a Quotation from SHI International, Corp. for the purchase of one (1) Microsoft Exchange Server and three hundred and fifty (350) Microsoft Exchange Server Licenses for the City of Beachwood, Ohio; and declaring this to be an urgent measure.

Moved by B. B. Janovitz, seconded by A. Isaacson, that Ordinance No. 2019-108 be placed on final reading.

ROLL CALL	Yes:	J. Berns, A. Isaacson, B. B. Janovitz, J. Pasch, E. Synenberg, Taylor
	No:	None.
	Abstain:	None.
	Not Voting:	None.
		MOTION ADOPTED-RULES SUSPENDED

Moved by B. B. Janovitz, seconded by A. Isaacson, that Ordinance No. 2019-108 be adopted.

ROLL CALL	Yes:	J. Berns, A. Isaacson, B. B. Janovitz, J. Pasch, E. Synenberg, Taylor
	No:	None.
	Abstain:	None.
	Not Voting:	None.
		MOTION ADOPTED

LEGAL AND PERSONNEL COMMITTEE

1. An Ordinance to approve current Replacement Pages to the Beachwood Codified Ordinances; and declaring this to be an urgent measure.

Moved by A. Isaacson, seconded by J. Berns, that Ordinance No. 2019-109 be placed on final reading.

ROLL CALL	Yes:	J. Berns, A. Isaacson, B. B. Janovitz, J. Pasch, E. Synenberg, J. Taylor
	No:	None.
	Abstain:	None.
	Not Voting:	None.
		MOTION ADOPTED-RULES SUSPENDED

Moved by A. Isaacson, seconded by J. Berns, that Ordinance No. 2019-109 be adopted.

ROLL CALL	Yes:	J. Berns, A. Isaacson, B. B. Janovitz, J. Pasch, E. Synenberg, J. Taylor
	No:	None.
	Abstain:	None.
	Not Voting:	None.
		MOTION ADOPTED

PLANNING AND ZONING COMMITTEE

1. An Ordinance accepting the Planning and Zoning Commission's recommendation of a Conditional Use Permit for a Multi-Family Dwelling to be located at 3800 Park East Drive, Beachwood, Ohio; and declaring this to be an urgent measure.

Mr. Berns recused himself from this vote

Moved by J. Taylor, seconded by A. Isaacson, that Ordinance No. 2019-110 be placed on final reading.

ROLL CALL	Yes:	A. Isaacson, B. B. Janovitz, J. Pasch, E. Synenberg, J. Taylor
	No:	None.
	Abstain:	None.
	Not Voting:	None.
		MOTION ADOPTED-RULES SUSPENDED

Moved by J. Taylor, seconded by A. Isaacson, that Ordinance No. 2019-110 be adopted.

ROLL CALL	Yes:	A. Isaacson, B. B. Janovitz, J. Pasch, E. Synenberg, J. Taylor
	No:	None.
	Abstain:	None.
	Not Voting:	None.
		MOTION ADOPTED

PLANNING AND ZONING COMMITTEE (CONTINUED)

1. An Ordinance amending various sections of the City of Beachwood, Ohio Planning and Zoning Code ~~and the City of Beachwood, Ohio Building Code~~ to include the addition of Chapters 1108 and 1144, and the removal of Chapters 1115, 1149, and 1120 ~~1301, 1315, 1319, 1321, 1323, 1325, 1331, and 1333~~

A Motion was made to Table this item.

Moved by J. Pasch, seconded by J. Taylor, that Ordinance No. 2018-94 be tabled.

ROLL CALL	Yes:	J. Berns, A. Isaacson, B. B. Janovitz, J. Pasch, E. Synenberg, Taylor
	No:	None.
	Abstain:	None.
	Not Voting:	None.
		MOTION ADOPTED

ADJOURNMENT

Moved by J. Taylor, seconded by J. Berns, to adjourn the Regular Council Meeting at 7:48 P.M. to the next regularly scheduled Council Meeting.

ROLL CALL	Yes:	J. Berns, A. Isaacson, B. B. Janovitz, J. Pasch, E. Synenberg, J. Taylor
	No:	None.
	Abstain:	None.
	Not Voting:	None.
		MOTION ADOPTED

Approved:

_____
Clerk

_____
Mayor

****

Pursuant to Ordinance Number 2017-107 Council has determined that the official Minutes of its Body, its Committees, and those of the Planning and Zoning Commission shall consist of the Audio Recording of the meetings together with a written synopsis of all agenda items and votes.

INTRODUCED BY: ORDINANCE NO. 2019-111

AN ORDINANCE AUTHORIZING AND DIRECTING THE PAYMENT OF CERTAIN CLAIMS (BILLS) FOR PROFESSIONAL AND OTHER SERVICES; AND DECLARING THIS TO BE AN URGENT MEASURE

BE IT ORDAINED by the Council of the City of Beachwood, State of Ohio, that the Director of Finance is hereby authorized and directed to issue his respective warrants for the following claims, to wit:

Section 1:

For Supplies and Services	**October 7, 2019**	**$8,030.12**
G. Gifford Dyer	Plan Review Services	$814.12
Fisher & Phillips LLP	Legal Services	$4,183.00
GPD Group	Engineering Services	$443.00
Paul Kowalczyk	Plan Review Services	$1,002.00
Tactical Planning	Professional Services	$920.00
Michael Wildermuth	Plan Review Services	$668.00

Section 2: It is found and determined that all formal actions and deliberation of Council and its committees relating to the passage of this legislation that resulted in formal action were in meetings open to the public where required by Chapter 105 of the Codified Ordinances of the City.

Section 3: This Ordinance is hereby declared an urgent measure immediately necessary for the public peace, health or safety or the efficient operation of the City; and for the further reason that it is necessary to approve said item and/or services available for use at the earliest possible time, to serve the City of Beachwood and its citizens.

WHEREFORE, this Ordinance shall be in full force and effect from and after the earliest date permitted by law.

Attest: I hereby certify that this legislation was duly adopted on the 7th day of October, 2019 and presented to the Mayor.

_____
Clerk

Approval: I have approved this legislation this 8th day of October, 2019 and filed it with the Clerk.

_____
Mayor

INTRODUCED BY: ORDINANCE NO. 2019-

AN ORDINANCE AUTHORIZING AND DIRECTING THE PAYMENT OF CERTAIN CLAIMS (BILLS) FOR PROFESSIONAL AND OTHER SERVICES; AND DECLARING THIS TO BE AN URGENT MEASURE

BE IT ORDAINED by the Council of the City of Beachwood, State of Ohio, that the Director of Finance is hereby authorized and directed to issue his respective warrants for the following claims, to wit:

Section 1:

For Supplies and Services	**October 7, 2019**	**$8,030.12**
G. Gifford Dyer	Plan Review Services	$814.12
Fisher & Phillips LLP	Legal Services	$4,183.00
GPD Group	Engineering Services	$443.00
Paul Kowalczyk	Plan Review Services	$1,002.00
Tactical Planning	Professional Services	$920.00
Michael Wildermuth	Plan Review Services	$668.00

Section 2: It is found and determined that all formal actions and deliberation of Council and its committees relating to the passage of this legislation that resulted in formal action were in meetings open to the public where required by Chapter 105 of the Codified Ordinances of the City.

Section 3: This Ordinance is hereby declared an urgent measure immediately necessary for the public peace, health or safety or the efficient operation of the City; and for the further reason that it is necessary to approve said item and/or services available for use at the earliest possible time, to serve the City of Beachwood and its citizens.

WHEREFORE, this Ordinance shall be in full force and effect from and after the earliest date permitted by law.

Attest: I hereby certify that this legislation was duly adopted on the 7th day of October 2019 and presented to the Mayor.

_____

Clerk

Approval: I have approved this legislation this 8th day of October and filed it with the Clerk.

_____

Mayor

G. GIFFORD DYER-ARCHITECT
4680 BRAINARD ROAD
CHAGRIN FALLS, OH 44022-1506
Fax. 440-248-2353
Phone 440-248-1703

August 30, 2019

City of Beachwood
Accounts Payable
25325 Fairmount Blvd.
Beachwood, OH 44122

Re: Building Department
Plan Review

INVOICE FOR PROFESSIONAL SERVICES RENDERED:

Plan review for the month of August 2019	$814.12
(Cost breakdown sheet attached)	
Total amount due	$814.12

Thank You,

G. Gifford Dyer

APPROVED FOR PAYMENT
BY: Willa Grosvold
DATE: 9/9/19
PAID:

G. GIFFORD DYER-ARCHITECT

BEACHWOOD PLAN REVIEW

Month AUGUST 2019

GG Dyer Job No.	Beachwood PR No.	Job Name----------	Time	Charge
CB 19-19	2019-34318	KIOSK (SEVENTH SENSE) #5523 BEACHWOOD PLACE MALL 26300 CEDAR ROAD	1 3/4 HR	# 146.12
CB 19-20	2019-34415	VISION WORKS BEACHWOOD PLACE MALL #250 26300 CEDAR ROAD	4 1/4 HR	# 354.87
CB 19-07	2019-32609	DRY GOODS (LAND LORD WORK) BEACHWOOD PLACE MALL 26300 CEDAR ROAD	2 HR	# 167.00
CB 19-18	2019-33942	SEPHORA BEACHWOOD PLACE MALL #1140 26300 CEDAR ROAD	1/4 HR	# 20.88
CB 19-14	2019-32920	DSC GROUP ALTERATIONS 3900 PARK EAST DRIVE	1 1/2 HR	# 125.25
		TOTAL	9 3/4 HR	814.12

Fisher & Phillips LLP
200 Public Square
Suite 4000
Cleveland, Ohio 44114
(440) 838-8800 Tel

www.fisherphillips.com

(Tax Identification No. 58-0619559)

City of Beachwood
Attn: Larry Heiser
25325 Fairmount Blvd.
Beachwood, OH 44122

Summary for Invoice Number: 1304246
Client Matter Number: 34126-0013

September 5, 2019

CURRENT LEGAL FEES & CHARGES THIS INVOICE **$4,183.00**

APPROVED FOR PAYMENT
BY: _____
DATE: 9-13-19
P/O: _____

Fisher & Phillips LLP
200 Public Square
Suite 4000
Cleveland, Ohio 44114
(440) 838-8800 Tel

www.fisherphillips.com

(Tax Identification No. 58-0619559)

September 5, 2019
Invoice Number: 1304246
Client Matter Number: 34126-0013

City of Beachwood

For services rendered through August 31, 2019:

Michael Palumbo, Jr

Date	Attorney	Description	Hours	Amount
08/01/19	DPO	Final review of public announcement of the settlement; review of draft settlement agreement with notes; email to the client; email to Attorney Delaney with notes.	0.60	$267.00
08/01/19	DPO	Attention to further email from the City on grammar and punctuation issues; review and revise the announcement; email to attorney Gallucci.	0.30	$133.50
08/01/19	MMD	Review email correspondence from Attorney O'Brien, Dana Canzone and Frank Gallucci regarding medial statement and draft of settlement agreement; review suggested revisions and comments from Frank Gallucci regarding draft settlement agreement.	0.30	$108.00
08/07/19	DPO	Attention to diary note; review of Palumbo settlement document; phone conference with Attorney Delaney to discuss changes in the agreement.	0.40	$178.00
08/07/19	DPO	Further review and edit of the Palumbo settlement; email to Meghan Delaney.	0.40	$178.00

08/07/19	DPO	Further email exchanges and edit of settlement agreement; email to Attorney Gallucci; review of response; emails to the client and excess carrier on timing of the settlement.	0.60	$267.00
08/07/19	MMD	Additional revisions to draft settlement agreement, focusing on non-admission clause and description of settlement payment.	1.00	$360.00
08/22/19	DPO	Preliminary review of the draft Palumbo agreement returned by Attorney Gallucci; revise of certain provisions; email to Attorney Delaney; discussion regarding removal of the consideration for waiver; update notes.	0.50	$222.50
08/22/19	MMD	Review and analyze email correspondence from Attorney Gallucci regarding structured annuity and suggested revisions to draft settlement agreement; review suggested revisions to agreement.	0.60	$216.00
08/23/19	DPO	Attention to email from Attorney Delaney; complete review and edit of the Palumbo settlement agreement; email to Attorney Gallucci; email to Diane Calta.	0.80	$356.00
08/23/19	DPO	Attention to fourth draft of the Palumbo settlement agreement; review of two outstanding issues including consideration for a waiver; multiple emails with Attorney Gallucci on outstanding issues.	0.60	$267.00
08/23/19	DPO	Final review of the Palumbo settlement; email final settlement agreement to Attorney Gallucci.	0.80	$356.00
08/23/19	MMD	Review email correspondence from Attorney Gallucci regarding modification of consideration and confidentiality provision in settlement agreement; review and analyze current version of agreement.	0.30	$108.00
08/26/19	DPO	Attention to email from Attorney Gallucci; review of the settlement paperwork on Palumbo; compare paperwork to previous versions of the settlement agreement to verify that nothing has changed; email to Diane Calta.	0.60	$267.00
08/27/19	DPO	Attention to multiple emails from Attorney Gallucci; review of addendum portion of the settlement agreement; email to excess carrier about coordinating payment and reimbursement.	0.50	$222.50

08/28/19	DPO	Review and respond to emails from Chad Jennings of MECC on distribution of checks.	0.30	$133.50
08/28/19	DPO	Review of seven emails from the client, the excess carrier and the TPA; respond to the TPA regarding the agreement; update claim file notes to prepare to close the file.	1.20	$534.00
TOTAL LEGAL FEES THIS MATTER			9.80	$4,174.00

Timekeeper Summary

Daniel P. O'Brien	7.60 Partner hours at $445.00/hr.	$3,382.00
Meghan Delaney	2.20 Of Counsel hours at $360.00/hr.	$792.00

Charges

Parking & Tolls	9.00
TOTAL CHARGES	$9.00

CURRENT LEGAL FEES & CHARGES THIS MATTER **$4,183.00**

OUTSTANDING ACCOUNTS RECEIVABLE FOR MICHAEL PALUMBO, JR

Date	Invoice No.	Outstanding Balance	
08/05/19	1293338	$12,502.00	
			$12,502.00

TOTAL AMOUNT DUE $16,685.00

PAYMENT IS DUE UPON RECEIPT OF INVOICE

Summary of Engineering Invoices

October 7, 2019 Professional Service Ordinance

Invoice #	Invoice Date	Original Amount	Adjustment	Payment Amount	Fund	Billed Out	2019 ENCUMBRANCES	2018	2017
2019120.23-1	8/9/2019	$107.00	$0.00	$107.00	Deposits	Osborn Engineering Comp	X		
2019120.29-1	8/9/2019	$336.00	$0.00	$336.00	Deposits	Specialized Concrete	X		

Total To Pay **$443.00**

Total Capital Fund	**$0.00**
Total General Fund	**$0.00**
Total Deposits	**$443.00**
Total Street Const. Mant.	**$0.00**
Less: Billable Charges	**($443.00)**
Net Paid by City:	**$0.00**

GPD GROUP®

GPD Group
Architects - Engineers - Planners
520 South Main Street Suite 2531
Akron, Ohio 44311-1010
(330) 572-2100

Invoice

City of Beachwood
Attn: Larry Heiser, Finance Director
25325 Fairmount Blvd.
Beachwood, OH 44122

Osborn Engineering #1993130

August 9, 2019
Invoice No: 2019120.23 - 1

Invoice Total $107.00

Project 2019120.23 Beachwood - Ahuja Improvements

Building Dept.

Professional Services from June 29, 2019 to July 26, 2019

Task 100 Plan Review - New 500 Car Parking Lot

Professional Personnel

	Hours	Rate	Amount	
Project Manager				
Ciuni, Joseph	1.00	107.00	107.00	
Totals	1.00		107.00	
Total Labor				**107.00**
			Total this Task	**$107.00**

Billings to Date

	Current	Prior	Total
Labor	107.00	0.00	107.00
Totals	**107.00**	**0.00**	**107.00**

Total this Invoice $107.00

Billings to Date

	Current	Prior	Total
Labor	107.00	0.00	107.00
Totals	**107.00**	**0.00**	**107.00**

APPROVED FOR PAYMENT
BY: WG
DATE: 9-9-19
~~P/O~~: 783-000-53130

Net 30 days.

GPD GROUP®

GPD Group
Architects - Engineers - Planners
520 South Main Street Suite 2531
Akron, Ohio 44311-1010
(330) 572-2100

Invoice

City of Beachwood
Attn: Larry Heiser, Finance Director
25325 Fairmount Blvd.
Beachwood, OH 44122

Bill
Specialized Concrete
#19783002

August 9, 2019
Invoice No: 2019120.29 - 1

Invoice Total $336.00

Project 2019120.29 Beachwood - ~~25300~~ 25200 Hilltop
Building Dept.

Professional Services from June 29, 2019 to July 26, 2019

Task 100 Inspection - Move Driveway/Remodel

Professional Personnel

	Hours	Rate	Amount	
Inspector				
Maleski, Theodore	6.00	56.00	336.00	
Totals	6.00		336.00	
Total Labor				**336.00**
			Total this Task	**$336.00**
			Total this Invoice	**$336.00**

Billings to Date

	Current	Prior	Total
Labor	336.00	0.00	336.00
Totals	**336.00**	**0.00**	**336.00**

APPROVED FOR PAYMENT
BY: WG
DATE: 9-9-19
~~P/O~~: 783-000-53130

#N3 Engineer Deposit taken

Net 30 days.

September 2, 2019

The City of Beachwood
Accounts Payable
P.O. Box 22659
Beachwood, OH 44122

RE: Building Department Plan Review

INVOICE FOR PROFESSIONAL SERVICES RENDERED:

Plan review for the month of August 2019 (See attached sheet for breakdown)	$1,002.00
Total amount due **One Thousand Two Dollars**	**$1,002.00**

Please make check payable to **"Code Consultation & Plan Review Services, LLC."** Thank you.

Paul Kowalczyk, MPE #798

APPROVED FOR PAYMENT
BY: Will Grisnik
DATE: 9/6/19
PO#:

City of Beachwood
Plan Examination Services
August 2019 Invoice

Beachwood Plan Review No.:	PK Plan Review No.:	Project:	Time:	Charge:
2019-34338	BW19-47 8/4/19	Dillard's Department Store 26500 Cedar Road Interior Alterations	1 hour 30 min.	$125.25
2019-34377	BW19-48 8/12/19	The Orlean Company 23925 Commerce Park Interior Alterations	3 hours	$250.50
2019-34356	BW19-49 8/18/19	PsychBC 25101 Chagrin Blvd. Interior Alterations	1 hour 30 min.	$125.25
2019-34482	BW19-50 8/18/19	Lewis Aquatic & Therapy Center 27300 Cedar Road Dehumidification modifications	1 hour 30 min.	$125.25
2019-34527	BW19-51 8/21/19	Four Seasons Building 3 26600 George Zeiger Drive Standby Generator	2 hours	$167.00
2019-34035	BW19-42.2 8/21/19	Dr. Rzepka 25200 Chagrin Blvd., Suite 230 Interior Alterations - **Revision**	30 min.	$41.75
2017-26797	BW19-52 8/25/19	Mandel Jewish School 26500 Shaker Blvd. Fire Sprinkler System Alterations	2 hours	$167.00
Total:				**$1002.00**

Paul Kowalczyk, MPE #798

Tactical Planning, LLC

P.O. Box 3163
Cuyahoga Falls, Ohio 44223
Ph: 440-725-1886
geosmerigan@gmail.com

INVOICE

City of Beachwood
Accounts Payable
P.O. Box 22659
Beachwood, Ohio 44122

August 29, 2019

FED ID # 46-3453684

P.O. # **2018-03082**

INV # BW-1952

For professional services rendered with regard to **Updating the Planning and Zoning and Building Codes** pursuant to the above referenced Purchase Order:

Council Committee Meeting (8/26/19)				
G. Smerigan	3.5 Hours	@	$115.00 / hour	$402.50
Coordination with Planning and Zoning Commission Chair and Mayor				
G. Smerigan	1.0 Hours	@	$115.00 / hour	$115.00
Prepare Requested Modifications to Code				
G. Smerigan	3.5 Hours	@	$115.00 / hour	$402.50

TOTAL DUE THIS INVOICE **$920.00**

Thank you,

George Smerigan
Member

APPROVED FOR PAYMENT
BY: Willa Griswold
DATE: 9/5/19
P/O:

MICHAEL H. WILDERMUTH, AIA, ARCHITECT

August 29, 2019

The City of Beachwood
Accounts Payable Department
P.O. Box 22659
Beachwood, Ohio 44122

Re: Building Department
Plan Review Services for August 2019

Invoice for professional services rendered for the review of plans for compliance with the Ohio Building Code.

Plan Review for the month of August 2019..... $ 668.00
Cost Breakdown Sheet Attached

Total amount due..... $ 668.00

Respectfully,

Michael H. Wildermuth

Michael H. Wildermuth, AIA
Master Plans Examiner

APPROVED FOR PAYMENT
BY: Wilh Eriswell
DATE: 9/4/19
P/O:

38255 RIDGE ROAD WILLOUGHBY, OHIO 44094 440-946-1061/ C 440-749-1877
mhwildermuth@oh.rr.com

MHW

MICHAEL H. WILDERMUTH, AIA, ARCHITECT
Beachwood Plan Review

		August 2019		
MHW Job No.	Beachwood Receipt No.	Job Name	Time	
CB19-12-1-FA 8-3-19	2019-32844	ORG Fitness- Fire Alarm Lakepoint 3201 Enterprise Pkwy	2.5 H	$208.75
CB19-13-1 FS 8-3-19	2019-32814	Nori Japan Hood FSS Beachwood Place Mall	2.0	167.00
CB19-14-1 8-3-19	2019-34353	Temple Tifereth Day Care 2600 Shaker	3.5	292.25
		Total	**8.0 H**	**$668.00**

INTRODUCED BY: AMENDED ORDINANCE NO. 2018-94

AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE CITY OF BEACHWOOD, OHIO PLANNING AND ZONING CODE, ~~AND CITY OF BEACHWOOD, OHIO BUILDING CODE TO~~ INCLUDING THE ADDITION OF CHAPTERS 1108 AND 1144, AND THE REMOVAL OF CHAPTERS 1115, 1149, AND 1120 ~~1301, 1315, 1319, 1321, 1323, 1325, 1331, AND 1333~~

WHEREAS, in response to requests from property owners and pursuant to discussions among Administrative Staff, Council, and the Planning and Zoning Commission, the City's Planner has recommended various amendments to the text of the City's Zoning and Building Codes; and

WHEREAS, this Council finds that such amendments promote the public health, safety and welfare by providing better control and easier interpretation.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Beachwood, County of Cuyahoga and State of Ohio, that:

Section 1: The Council of the City of Beachwood placed certain proposed amendments on first reading on May 7, 2018 and referred the proposed amendments to the Planning and Zoning Commission for its report and recommendation.

As revised, the proposed amendments were recommended for approval to Council by the Planning and Zoning Commission at its October 25, 2018 meeting.

Upon Council's receipt of the report and recommendation of the Planning and Zoning Commission recommending approval of the proposed amendments, the issue of amending the Planning and Zoning Code was set for hearing on the 1st day of April, 2019 at 7:15 P.M. at the Beachwood City Hall, Council Chambers, 25325 Fairmount Boulevard, Beachwood, Ohio.

The Clerk of Council advertised the hearing in a newspaper of general circulation in the City for a period of not less than thirty (30) days prior to the Public Hearing. Notification was also sent to all residents. The hearing was conducted on April 1, 2019.

Prior to the Public Hearing, Council met in Committee to discuss the proposed amendments. In addition, after the Public Hearing, Council again met in Committee to discuss further revisions to the proposed amendments. A Town Hall meeting was held on September 23, 2019 to present to the City the final version of the proposed amendments to the Planning and Zoning Code.

Based upon the above, the City of Beachwood Planning and Zoning Code is hereby amended, repealed and replaced in its entirety with the new Zoning Code, a copy of which is attached hereto and incorporated herein as Exhibit "A".

This Ordinance shall be read by Council on three separate occasions and its passage shall cause the proposed amendments to become effective upon operation of the law.

Section 2: It is found and determined that all formal actions and deliberations of Council and its committees relating to the passage of this legislation that resulted in formal action were in meetings open to the public where required by Chapter 105 of the Codified Ordinances of the City.

WHEREFORE, this Ordinance shall be in full force and effect from and after the earliest date permitted by law.

Attest: I hereby certify this legislation was duly adopted on the 7th day of October, 2019, and presented to the Mayor for approval or rejection in accordance with Article III, Section 8 of the Charter on the 8th day of October, 2019.

_____
Clerk

Approval: I have approved this legislation this 8th day of October, 2019, and filed it with the Clerk.

_____
Mayor

EXHIBIT A

WITH CHANGES FROM SEPTEMBER C/C WORK SESSION

CODIFIED ORDINANCES OF BEACHWOOD

PART ELEVEN - PLANNING AND ZONING CODE

TITLE ONE - Zoning Administration
- Chap. 1101. Definitions.
- Chap. 1103. Interpretation and Purpose.
- Chap. 1105. Enforcement and Penalty.
- Chap. 1107. Amendments; Annexed Lands.
- Chap. 1108. Site Development Plans.
- Chap. 1109. Condominium Conversions.

TITLE THREE - Zoning Districts and Uses
- Chap. 1111. District and Use Classification; Zone Map.
- Chap. 1113. U-1 Single-Family Residential District.
- Chap. 1114. Cluster Development Alternate.
- Chap. 1116. U-2A Attached Single-Family Residential District.
- Chap. 1117. U-3 Multi-Family Residential District.
- Chap. 1118. U-3C Planned Multi-Family Residential District.
- Chap. 1119. U-3A High-Rise Apartment District.

- Chap. 1121. U-4A Integrated Business District.
- Chap. 1123. U-4B Shopping Center District.
- Chap. 1124. U-5 Public and Institutional District.
- Chap. 1127. U-7A General Office Building District.
- Chap. 1129. U-8 Industrial and Office Mixed-Use District.
- Chap. 1130. U-8A Office Building and Research District.
- Chap. 1131. U-9 Motor Service District.
- Chap. 1132. U-10 Planned Mixed-Use Development District.

TITLE FIVE - General Provisions
- Chap. 1141. Signs.
- Chap. 1143. Lots.
- Chap. 1144. Off-Street Parking and Loading Facilities.
- Chap. 1145. Yards and Lines.
- Chap. 1146. Fences, Landscaping and Driveways.
- Chap. 1147. Nonconforming Uses.
- Chap. 1153. Dished Satellite Antennas.
- Chap. 1154. Alternative Energy Facilities.
- Chap. 1155. Supplemental Standards for Specific Uses.
- Chap. 1157. Riparian and Wetland Setbacks.
- Chap. 1159. Determinations and Variances.

TITLE SEVEN – Storm Water Management
- Chap. 1173. Illicit Discharge and Illegal Connection Control.
- Chap. 1177. Storm Water Management.

TITLE ONE - Zoning Administration

Chap. 1101. Definitions.
Chap. 1103. Interpretation and Purpose.
Chap. 1105. Enforcement and Penalty.
Chap. 1107. Amendments; Annexed Lands.
Chap. 1108. Site Development Plans.
Chap. 1109. Condominium Conversions.

CHAPTER 1101
Definitions

1101.01 Interpretation; general definitions.
1101.02 Accessory use or building.
1101.03 Apartment.
1101.04 Areas (building coverage, dwelling unit, floor, lot).
1101.05 Basement.
1101.06 Buffer area.
1101.07 Building.
1101.08 Building height.
1101.09 Building line (set-back line).
1101.10 Building permit.
1101.105 Business services.
1101.11 Church; synagogue, temple.
1101.12 Conditional use permit.
1101.13 Condominium conversion.
1101.14 Condominium property.
1101.15 Density.
1101.16 Development plan.
1101.17 Dished satellite antenna.
1101.18 Dwelling, multi-family.
1101.19 Dwelling unit.
1101.20 Dwelling unit, single-family.
1101.21 Dwelling unit, single-family attached.
1101.22 Family.
1101.221 Family home.
1101.23 Frontage.
1101.24 Garage.
1101.25 Gasoline service station.
1101.26 Grade.
1101.275 Licensed health care facility.
1101.277 Light manufacturing, fabrication and assembly.
1101.28 Loading space.
1101.29 Lot.
1101.30 Main use or building.
1101.305 Professional medical office.
1101.31 Nonconforming.
1101.32 Occupancy permit.
1101.33 Open space.
1101.34 Parking.
1101.345 Personal services.
1101.35 Restaurant and lunchroom.
1101.355 Right-of-way.
1101.36 Set-back line.
1101.38 Story.
1101.39 Street.
1101.395 Subdivision.
1101.40 Use.
1101.401 Wireless telecommunications antenna.
1101.403 Wireless telecommunications facility.
1101.41 Variance.
1101.42 Yard.
1101.43 Zone map.

1101.01 INTERPRETATION; GENERAL DEFINITIONS.

As used in this Zoning Code:

(a) The word "shall" shall be interpreted as mandatory and shall be complied with unless waived by the appropriate commission, board or authority having jurisdiction; "may" shall be interpreted as having permission or being allowed to carry out a provision; "should" shall be interpreted as expressing that the application of a criterion or standard is desired and essential unless commensurate criteria or standards are achieved.

(b) All words used in the singular shall include the plural and all words used in the present tense shall include the future tense, unless the context clearly indicates the contrary.

(c) The phrase "used for" shall include "arranged for", "designed for", "intended for", "maintained for", or "occupied for".

(d) The term "such as" shall be construed as introducing a typical or illustrative enumeration of uses. A colon used to introduce an enumeration shall be construed as being the complete enumeration of uses and not illustrative.

(e) "Regulation" means a rule, restriction or other mandatory provision intended to control, require, or prohibit an act and includes "requirement".

(f) "Build" means establish, construct, erect, assemble, reconstruct, enlarge, alter, or develop.

(g) "City" means the City of Beachwood, Ohio.

(h) "Code" means the Zoning Code of the City, unless otherwise designated.

(i) "Commission" means the Planning and Zoning Commission of the City.

(j) "Council" means Council of the City.

(k) "Developer" means a person or firm commencing proceedings under this Code to effect a subdivision or development of land for himself or herself or for another.

(l) "District" means a section of the City for which uniform zoning regulations, as provided herein, govern the use of land, structures, and premises, the permitted height, and area of structures and the area or open spaces about structures.

(m) "Engineer" means the Engineer of the City.

(n) "Lot" means a parcel of land, the perimeter of which has been approved by Council and recorded at the office of the County Recorder.

(o) "Person" means an individual, firm, association, corporation, trust or other legal entity.

(Ord. 1987-125. Passed 11-16-87.)

1101.02 ACCESSORY USE OR BUILDING.

"Accessory Use" or "Accessory Building" means a permitted subordinate use or building which is located on the same lot with and incident to the main use or main building and which is subordinate in area, extent, and purpose to the main use or building served.
(Ord. 1987-125. Passed 11-16-87.)

1101.03 APARTMENT.

"Apartment" means a suite of rooms in a Multi-Family Dwelling (hereinafter defined) which is occupied as a residence and which is arranged to share either common walls, floor, land, or hallways with other such residences.

1101.04 AREAS (BUILDING COVERAGE, DWELLING UNIT, FLOOR, LOT).

(a) "Building Ground Coverage" or "Building Area" means the horizontal area of ground covered by a building and is measured from the vertical projections of the outermost wall surfaces of the building and generally expressed in square feet or as a percentage of the total lot area.

(b) "Dwelling Unit Area" means the horizontal area of usable and habitable space available exclusively to the occupant within a dwelling unit and is measured from the interior wall faces of the dwelling unit.

(c) “Gross Floor Area” means the floor area within the perimeter of the outside walls of the building under consideration, without deduction for fire stairways, elevators, closets, or thickness of exterior walls, expressed in square feet.

(d) “Lot Area” (site area) means the total horizontal area within a lot boundary line, expressed in square feet or acres.
(Ord. 1987-125. Passed 11-16-87.)

1101.05 BASEMENT.

“Basement” means a portion of a building partially or entirely underground whose ceiling, or underpart of the floor above, is four feet (4’) or less above the average finished grade elevation. “Sub-Basement” means any story which is below a basement level and is entirely below grade.
(Ord. 1987-125. Passed 11-16-87.)

1101.06 BUFFER AREA.

“Buffer Area” means an area of land, together with landscaping, fencing, walls and/or hedges required by this Code and approved by Commission and/or Council, which may be required to separate uses or zoning districts to eliminate or minimize conflicts between them.
(Ord. 1987-125. Passed 11-16-87.)

1101.07 BUILDING.

“Building” means a structure permanently built and affixed to the land which is maintained or intended for the shelter or enclosure of persons, animals or property of any kind. The term shall be used synonymously with “structure”, unless specific structures are noted, and shall be construed as if followed by the words “or part or parts thereof”. “Structure” means that which is constructed on or under the ground or connected thereto and includes, but is not limited to, buildings, barriers, bridges, bulkheads, bunkers, chimneys, fences, garages, outdoor seating facilities, platforms, pools, poles, tanks, tents, towers, sheds, signs, walls, and the like.
(Ord. 1987-125. Passed 11-16-87.)

1101.08 BUILDING HEIGHT.

"Building Height" means the vertical distance from the finished grade at the centerline, six feet (6’) perpendicular to the front, to the top of the highest roof beams of a flat roof or to the mean level of the highest gable or slope of a hip roof. When a building faces on more than one street, Commission shall determine the front. The finished grade may not be less than the average finished grade across the width of the lot measured at the front building line. (Ord. 1987-125. Passed 11-16-87.)

1101.09 BUILDING LINE (SET-BACK LINE).

"Building Line" (set-back line) means a line parallel to and measured from a street line or front lot line defining the limits of a front yard in which no building structure or use may be located above ground, except as provided in this Code. If no building line is established or if building lines are in conflict, then the Commission shall determine the building line using other similar standards in the City. A building line may be set on the Zone Map. (Ord. 1987-125. Passed 11-16-87.)

1101.10 BUILDING PERMIT.

"Building Permit" means a permit issued by the Building Commissioner to construct, alter or repair a building or part thereof exactly as shown on plans approved by the City.
(Ord. 1987-125. Passed 11-16-87.)

1101.105 BUSINESS SERVICES.

"Business Services" means services provided primarily to other business operations, which may include consulting services, property and/or equipment maintenance services,

financial and/or accounting services, computer and/or information management services, advertising and/or graphic services, and similar operations.
(Ord. 2011-169. Passed 3-19-12.)

1101.11 CHURCH; SYNAGOGUE; TEMPLE.

"Church," "Synagogue," "Temple" or word of similar import expressed in English or another language means a building originally designed and constructed for religious worship. (Ord. 1987-125. Passed 11-16-87.)

1101.12 CONDITIONAL USE PERMIT.

"Conditional Use Permit" means a Use (hereinafter defined) which is permitted in a District only by a Conditional Use Permit as regulated herein. The nature of each conditional use, or its effect upon persons or property, requires consideration and approval under special or conditional circumstances and such conditional uses shall only be permitted when specific findings are made and when that conditional use has met the conditions set forth in this Code.

1101.13 CONDOMINIUM CONVERSION.

"Condominium Conversion" means the conversion of an existing building to a condominium property which was not developed for that purpose. Such conversion shall require a new Occupancy Permit in compliance with these Codified Ordinances and applicable State law for each condominium unit. (Ord. 1987-125. Passed 11-16-87.)

1101.14 CONDOMINIUM PROPERTY .

"Condominium Property" means and includes the land, together with all buildings, improvements and structures thereon, all easements, rights and appurtenances belonging thereto, and all articles of personal property which have been submitted in accordance with Ohio R.C. Ch. 5311. (Ord. 1987-125. Passed 11-16-87.)

1101.15 DENSITY.

"Density" means a unit of measurement which describes either the number of dwelling units per acre of land or the amount of land or site area per dwelling unit.
(Ord. 1987-125. Passed 11-16-87.)

1101.16 SITE DEVELOPMENT PLAN.

"Site Development Plan" means a required set of preliminary and final drawings submitted to induce the Commission to grant an approval or recommend an approval to Council as required in certain districts for any man-made change to any structure or land or to the intensity of use of any structure or land. Such plans indicate topography, proposed buildings, areas, uses, open spaces, parking, etc., as required and in sufficient detail to evaluate a proposal in compliance with the standards of this Code. (Ord. 1987-125. Passed 11-16-87.)

1101.17 DISHED SATELLITE ANTENNA.

"Dished Satellite Antenna" means any antenna and its appurtenances designed or used to receive or transmit signals from or to satellite stations, including spherical or parabolic dished-type antennas. (Ord. 1987-125. Passed 11-16-87.)

1101.18 DWELLING, MULTI-FAMILY.

"Multi-Family Dwelling" means a building consisting of three or more dwelling units with varying arrangements of entrances and party walls. Specifically:

(a) "Apartment" has the meaning set forth in Section 1101.03.

(b) "High-Rise Apartment" means a building used for human occupancy, which is higher than six (6) stories.

1101.19 DWELLING UNIT.

"Dwelling Unit" means one (1) room, or rooms connected together, constituting a

separate, independent housekeeping establishment for an individual or group of individuals living together as a single housekeeping unit, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking, bathing, toilet, and sleeping facilities.

1101.20 DWELLING UNIT, SINGLE-FAMILY DETACHED.

"Single-Family Detached Dwelling Unit" means a free-standing building designed for or used exclusively for residence purposes by a single housekeeping unit.

1101.21 DWELLING UNIT, SINGLE-FAMILY ATTACHED.

"Single-Family Attached Dwelling Unit" means one (1) room, or rooms connected together, constituting a separate, independent housekeeping establishment for an individual or group of individuals living together as a single housekeeping unit, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking, bathing, toilet, and sleeping facilities.

1101.22 FAMILY.

"Family" means one (1) or more persons occupying a dwelling unit and living as a single housekeeping unit, excluding however, both for-profit and non-profit group homes, halfway houses, drug and substance abuse treatment facilities, and other rehabilitation or residential, multiple person treatment facility, unless specifically exempted from zoning regulations and restrictions by the Ohio Revised Code or Federal Housing Laws.

1101.221 FAMILY HOME.

"Family Home" means a residence licensed according to Chapter 5119 of the Ohio Revised Code to provide accommodations to not more than five (5) unrelated adults and which provides supervision and personal services to at least three (3) of those adults, where the adults live as a single housekeeping unit and the residence serves as the adults' sole, bona fide permanent residence, but which does not provide nursing care or include residents who require "Skilled Nursing Care" or "intermediate nursing care" and shall not include "homes" and "homes for the aging" as defined in ORC Chapter 3721.

1101.24 GARAGE.

"Garage" means a building or portion thereof designed for and used for the parking, standing or temporary storage of vehicles and may be limited to:

(a) "Private Garage" means an accessory building for the storage of passenger automobiles of owners or tenants of the main building.

(b) "Repair Garage" means a building or part thereof used for general repairs to motor vehicles.

(c) "Underground Garage" means a private garage used for the storage of passenger automobiles and located entirely below grade.

(Ord. 1987-125. Passed 11-16-87.)

1101.25 GASOLINE SERVICE STATION.

"Gasoline Service Station" means a building or part thereof, structure or space used for the retail sale of gasoline, lubricants and motor vehicle accessories and for minor services and repairs. (Ord. 1987-125. Passed 11-16-87.)

1101.26 GRADE.

"Grade" means a reference plane representing the average of the finished ground level adjoining the building at all exterior walls. Specifically:

(a) "Average Grade" means the mean elevation of the land measured at the set-back line between the side lot lines.

(b) "Established Street Grade" means the elevation established by the City measured at the roadway centerline in front of the lot.

(c) "Finished Grade" means the elevation of the finished surface of the ground

adjoining the building after final grading and normal settlement.

(d) "Natural Grade" means the elevation of the undisturbed natural surface of the ground prior to any excavation or fill. (Ord. 1987-125. Passed 11-16-87.)

1101.275 LICENSED HEALTH CARE FACILITY.

"Licensed Health Care Facility" means a health care facility licensed to provide medical services by the State of Ohio.

1101.277 LIGHT MANUFACTURING, FABRICATION AND ASSEMBLY.

"Light Manufacturing, Fabrication and Assembly" means industrial type uses which may include the design, assembly, processing, creation, formation, production, or construction of products and equipment from previously manufactured components, where such operations conform to the requirements of Section 1129.08 hereof, but shall not include any operations that involve the reduction, refining, heat treatment, or chemical conversion of primary raw materials, or the manufacture and/or distribution of asphalt, concrete, or fuel.
(Ord. 2011-169. Passed 3-19-12.)

1101.28 LOADING SPACE.

“Loading Space” means an off-street space for the temporary parking of delivery and pick-up vehicles, at least twelve feet (12’) wide and of a length needed to accommodate delivery vehicles, and exclusive of any required automotive parking area driveway or parking aisle.
(Ord. 1987-125. Passed 11-16-87.)

1101.29 LOT.

“Lot” means a parcel of land occupied or intended to be occupied by a main building or use of by a group of buildings, together with accessory buildings and uses and open spaces as required by this Code, and having frontage on a public street. Specifically:

(a) “Corner Lot” means a lot abutting on two or more streets at their intersection.

(b) "Double Frontage Lot" means an interior lot having frontage on two (2) streets.

(c) “Front Lot Line” means the street line of the lot in the case of an interior lot and the street line designated by the City as the front lot line in the case of a corner lot.

(d) “Interior Lot” means a lot other than a corner lot.

(e) “Lot Depth” means the mean distance from the front lot line to the rear lot line.

(f) “Lot Frontage” means the width of a lot measured along the front lot line.

(g) “Lot Width” means the width measured along the setback building line as established on the Zone Map or in this Code.

(h) “Rear Lot Line” means the lot line which is generally opposite the front lot line. If the rear lot line is less than ten feet (10’) in length or if the lot comes to a point in the rear, the rear lot line shall be deemed to be a line parallel to the front lot line, not less than ten feet (10’) long, lying wholly within the lot and farthest from the front lot line.

(i) “Side Lot Line” means a lot line other than a front or rear lot line.
(Ord. 1987-125. Passed 11-16-87.)

1101.30 MAIN USE OR BUILDING.

“Main Use or Building” means the use, purpose or activity conducted in a building or structure or on land. (Ord. 1987-125. Passed 11-16-87.)

1101.305 PROFESSIONAL MEDICAL OFFICE.

"Professional Medical Office" means the offices of private physicians, dentists, and other health care providers, including but not limited to podiatrists, optometrists, speech, occupational and physical therapists, chiropractors, and psychologists, whether for individual or group practice, which do not require a certificate of need or license under Ohio R.C. 3702.30 or 3702.51. Professional Medical Office shall not include a licensed medical facility (as defined in Section 1101.275), hospital, or nursing home.

(Ord. 1997-185. Passed 1-20-98.)

1101.31 NONCONFORMING.

(a) "Nonconforming Lot" means a lot existing lawfully at the time this Code or an amendment hereto became effective, but which does not conform to the lot area, width, access or other requirements of the District in which it is located.

(b) "Nonconforming Structure" means a structure existing lawfully at the time Code or an amendment hereto became effective, but which does not conform to the area, height or bulk of building, yard or other regulations of the District in which it is located.

(c) "Nonconforming Use" means the use of a building or land existing lawfully at the time Code or an amendment hereto became effective, but which does not conform to the main or accessory use regulations of the District in which it is located.

(d) Nonconforming, Lot, Structure, or Use shall be deemed abandoned if the nonconforming use ceases for a period of six (6) months.
(Ord. 1987-125. Passed 11-16-87.)

1101.32 OCCUPANCY PERMIT.

"Occupancy Permit" means an official document of the City confirming that the use of all or a part of a building, structure or parcel of land is in apparent compliance with the provisions of all existing codes, or is a lawfully existing non-conforming building or use and hence may be occupied and used lawfully for the purposes designated thereon. This permit is not intended to be relied on by other parties in their contractual relationships.
(Ord. 1987-125. Passed 11-16-87.)

1101.33 OPEN SPACE.

"Open Space" means an area on which no building extends above the finished grade and which is open to the sky. Open Space may include natural vegetation, landscape features, pedestrian plazas or parks and parking and driveways.
(Ord. 1987-125. Passed 11-16-87.)

1101.34 PARKING.

"Parking" of motor vehicles is specifically defined as follows:

(a) "Off-Street Parking" or "required parking" means the amount of parking which is required by Code, which is located entirely off of the public street right of way and behind the parking setback for that particular District and which is for the exclusive use of tenants, owners or occupants without charge.

(b) "Parking Space" means an open paved area, not less than 180 square feet (nine feet (9') by twenty feet (20')), which is maintained for vehicle parking and which has sufficient aisle space for safe egress and ingress. (Ord. 1987-125. Passed 11-16-87.)

(c) "Structured Parking" means any multi-story structure designed for automobile parking with multiple levels for parking vehicles including parking garages, parking ramps, and parking decks. (Ord. 2012-166. Passed 2-4-13.)

1101.345 PERSONAL SERVICES.

"Personal Services" means services provided to individual members of the general public where the primary purpose is not the transfer of ownership of tangible goods. Such operations may include personal grooming services such as barber shops, beauty parlors, tanning salons, nail salons, dry cleaning services, and tailoring, or may involve other personal improvement services such as tutoring or counseling.
(Ord. 2011-169. Passed 3-19-12.)

1101.35 RESTAURANT.

“Restaurant” means a place which is open to the public and which serves food for consumption on the premises, but which may permit take-out subject to the provisions of this Code.

1101.355 RIGHT-OF-WAY.

“Right-of-Way” means land, property, or the interest therein, usually in the configuration of a strip, acquired for or devoted to transportation purposes. Right-of-Way includes the roadway, shoulders or berm, ditch, and slopes extending to the right-of-Way limits under the control of the state or local authority.

1101.36 SET-BACK LINE.

"Set-Back Line" means a line established by the Code or on the Zone Map, generally parallel with and measured from the lot line, defining the limits of the yard in which no building, structure or use may be located above ground, except as may be provided in this Code. (Ord. 1987-125. Passed 11-16-87.)

1101.38 STORY.

“Story” means that portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above. A basement is a story if its ceiling is over five feet (5’) above the level from which the height of the building is measured, if it is used for business purposes or if it contains any dwelling unit. (Ord. 1987-125. Passed 11-16-87.)

1101.39 STREET.

“Street” means any road, thoroughfare, drive, freeway, easement, or accessway, public or private, which is specifically designed, dedicated, and maintained for public vehicular traffic. “Street” refers to the entire area within the right of way, including pavement, tree lawn, and sidewalk, and shall be built to the standards of and approved by the Engineer.
(Ord. 1987-125. Passed 11-16-87.)

1101.395 SUBDIVISION.

“Subdivision” mean the division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into two (2) or more parcels, sites or lots, any one of which is less than five (5) acres for the purposes - whether immediate or future - of transfer of ownership, provided, however, that the division or partition of land into parcels of more than five (5) acres not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites, shall be exempted.

1101.40 USE.

“Use” means any purpose for which buildings, structures, or land may be arranged, designed, intended, maintained, or occupied; or any activity, occupation, business, profession, or operation conducted in a building or structure or on land.
(Ord. 1987-125. Passed 11-16-87.)

1101.401 WIRELESS TELECOMMUNICATIONS ANTENNA.

"Wireless Telecommunications Antenna" means the physical device through which electromagnetic, wireless telecommunications signals authorized by the Federal Communications Commission are transmitted or received. (Ord. 1997-185. Passed 1-20-98.)

1101.403 WIRELESS TELECOMMUNICATIONS FACILITY.

"Wireless Telecommunications Facilities" means equipment and structures involved in

receiving telecommunications or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with land-based telephone lines. (Ord. 1997-185. Passed 1-20-98.)

1101.41 VARIANCE.

"Variance" means an exception to or modification of certain terms of this Code where such change will not be contrary to the public interest and where owing to special conditions or unique circumstances of a property a literal enforcement of the provisions or requirements of the Code would result in an unnecessary hardship or practical difficulty and where the authorization of such exception or modification will not violate the spirit and intent of the Code, will result in a more harmonious and useful development, and substantial justice will be done. (Ord. 2009-55. Passed 9-8-09.)

1101.42 YARD.

"Yard" means an open space on the same lot with a building or group of buildings, lying between the building or group of buildings and the nearest lot line, unoccupied and unobstructed from the ground upward, except such encroachments of structures permitted herein. A yard shall be measured between a lot line and a line parallel to such lot line drawn through the point of a building or the point of a group of buildings nearest to such lot line, exclusive of the features permitted to extend into the required yard under this Code. The measurement of the yard shall be taken at right angles from the lot line to the line of the building. Specifically:

(a) "Front Yard" means an open unoccupied space across the full width of a lot, bounded by the front building line, the front lot line and the side lot lines.

(b) "Rear Yard" means an open unoccupied space extending across the rear of a lot between side lot lines.

(c) "Required Yard" means the minimum yard or setback required between a lot line and a building line in order to comply with the regulations of the District in which the lot is located.

(d) "Side Yard" means an open unoccupied space extending from the rear line of the required front yard to the rear-most part of the building and bounded also by the side lot line and the side of the building. In any District, the side yard on the street side of a corner lot shall be not less in width than the requirement of the setback building line established in this Code or shown on the Zone Map for that side of such corner lot. (Ord. 1987-125. Passed 11-16-87.)

1101.43 ZONE MAP.

"Zone Map" means the official map of the City dividing the land within the City into several Use Districts to demonstrate the overall development plans for the City.
(Ord. 1987-125. Passed 11-16-87.)

CHAPTER 1103
Interpretation and Purpose

1103.01 Scope; construction and application of Code.
1103.02 Periodic review.

CROSS REFERENCES

Zoning applies to housing projects - see Ohio R.C. 3735.44
Severability of provisions - see P. & Z. 1105.03

1103.01 SCOPE; CONSTRUCTION AND APPLICATION OF CODE.

In interpreting and applying the provisions of the Code they shall be held to be the minimum requirements adopted for the promotion of public health, safety, comfort, convenience and general welfare. The lot or yard area required by the Code for a particular building shall not be diminished and shall not be included as part of the required yard or lot area of any other building. The Code shall not repeal, abrogate or annul or in any way impair or interfere with any existing provisions of law or ordinances or any rules or regulations previously adopted or which shall be adopted pursuant to law relating to the use of buildings or premises; nor shall The Code interfere with or abrogate or annul any easements, covenants or other agreements between parties. However, where The Code imposes a greater restriction upon the use of buildings or premises or requires larger yards than are imposed or required by such existing provisions of law or ordinance or by such rules or regulations or by such easements, covenants or agreements, the provisions of The Code shall control.
(Ord. 70. Passed 6-9-25.)

1103.02 PERIODIC REVIEW.

It is intended that the Commission perform a comprehensive review of the entire Code at least once every ten (10) years from and after 2019 to ensure that the regulations contained herein are current and reasonable and that they reflect the goals and intent of the City as expressed in the City of Beachwood Master Plan.

CHAPTER 1105
Enforcement and Penalty

1105.01 Administration and appeal.
1105.02 Completion and restoration of existing buildings.
1105.03 Severability.
1105.04 Fees for zoning permits.
1105.05 Effective period of zoning permits.
1105.06 Conditional use permits.
1105.99 Penalty.

CROSS REFERENCES

Violation of zoning ordinances - see Ohio R.C. 713.13
Powers of Building Commissioner - see ADM. 143.04
Temporary and conditional uses; nonconforming uses - see P. & Z. Ch. 1147
Building Code permits, fees and deposits - see BLDG. Ch. 1329
Submission of plans to Architectural Board of Review; fee - see BLDG. 1329.08

1105.01 ADMINISTRATION AND APPEAL.

(a) This Code shall be enforced by the Building Commissioner. The Commissioner shall refuse to issue a permit if the proposed building or structure or use of the building, structure or land would violate any of the laws of the City or of the State. No person shall proceed with any construction or excavation that is not authorized by a permit, and any such construction or excavation shall constitute a violation to the same extent as though no permit had been issued. If the Commissioner finds that any construction, reconstruction or other use of land or a building or other structure in the City is being done or has been done without a permit having first been obtained, as required under any of the laws of the City or of the State, the Commissioner shall immediately issue a "Stop Work" order if the work is under construction and/or an order to "cease and desist" the use or occupancy of all or any part of a building, structure or use which was built, constructed or used or is being used in violation of the laws of the City or of the State. Such "stop work" order or "Cease and Desist" order shall remain in full force and effect until the owner has obtained all of the required permits and complied with all of the required laws pertinent to the building, structure or use and has paid the required additional permit fees.

(b) Any decisions of the Building Commissioner made in the enforcement of Code may be appealed to the Commission by any person or persons claiming to be adversely affected by such decisions, or in given cases Commission may, on its own motion, order the Building Commissioner to certify to it for review his records and findings relative to any permit issued or decision made by him. Any such appeal or order to certify shall be taken within fifteen (15) days from the date of the filing of such decision with the Clerk, and the decision of the Commission shall have the same force and effect as in the case of appeals taken to the Commission by persons claiming to be adversely affected by the decision of the Building Commissioner.

(1) The Clerk shall send a written notice of all such appeals to every abutting property owner and to the property owner across the street, to the addresses shown on the most recent City records. Any other person requesting a notice shall also receive one. All notices shall be mailed by first class mail at least five (5) days prior to the date of the hearing before the Commission. The failure to send or receive such notice shall not in

itself invalidate the application or further proceedings; however, the Commission may postpone a hearing in whole or part for further notice or for any sufficient cause. Any person signing a waiver shall not be entitled to notice.

(2) During the pendency of any appeal, the action of the Building Commissioner which has been appealed shall remain in full force and effect during the pendency of the proceedings. The Commission shall examine the facts of each case fully, shall hear all persons desiring to be heard and claiming to be affected by the decision appealed from, may receive pertinent exhibits, may request additional information from any of the parties or obtain professional opinions, and may require that testimony be given under oath. The Commission shall issue, modify or refuse the permit or affirm, reverse or modify the decision of the Building Commissioner in conformity with the provisions of this Code and the laws of the State.

(c) The provisions of Part Thirteen - the Building Code relating to the issuance of permits are hereby modified to conform to the provisions of this Code. Any decisions of the Architectural Board of Review may be appealed to the Commission by any Applicant claiming to be adversely affected by such decisions. During the pendency of any appeal, the action of the Architectural Board of Review which has been appealed shall remain in full force and effect. The Commission shall examine the facts of each case fully, shall hear all persons desiring to be heard and claiming to be affected by the decision appealed from, may receive pertinent exhibits, may request additional information from any of the parties or obtain professional opinions, and may require that testimony be given under oath. The Commission shall issue, modify or refuse to issue the permit or affirm, reverse or modify the decision of the Architectural Board of Review.

(Ord. 2009-153. Passed 4-5-10.)

1105.02 COMPLETION AND RESTORATION OF EXISTING BUILDINGS.

Nothing herein contained shall require any change in the plans, construction or designated use of a building for which a building permit has been issued within thirty days of the date of such permit. Nothing in the Code shall prevent the restoration of a building wholly or partly destroyed by fire, explosion, act of God or act of the public enemy subsequent to the passage of the Code or prevent the restoration and securing of a building declared unsafe by the Building Commissioner. (Ord. 70. Passed 6-9-25.)

1105.03 SEVERABILITY.

The sections, subsections, Districts and building lines forming a part of or established by the Code, and the several parts, provisions and regulations thereof, are hereby declared to be independent sections, subsections, Districts, building lines, parts, provisions and regulations, and the holding of any such sections, subsections, Districts, building lines, parts, provisions or regulations to be unconstitutional, void or ineffective for any cause shall not affect nor render invalid any other such section, subsection, District, building line, part, provision or regulation thereof. (Ord. 70. Passed 6-9-25.)

1105.04 FEES FOR ZONING PERMITS.

Council may establish a schedule of fees for zoning permits, certificates of zoning compliance, development plan reviews, Conditional Use Permits, similar use determinations, appeals, variances, amendments, and other procedures and services pertaining to the administration and enforcement of Code. The schedule of fees shall be available from the Building Department and may be altered or amended only by Council. Until all such appropriate fees, charges, and expenses have been paid in full, no action shall be taken on any application, appeal, or administrative procedure. Fees in the Code may be amended as approved by Council

from time to time. Any such revisions to the fee schedule shall not be deemed an amendment to the Code.

1105.05 EFFECTIVE PERIOD OF ZONING PERMITS.

(a) If, after a permit has been issued, the operation called for by it is not begun six (6) months of the date thereof, such permit shall be void. Before operation can begin, a new permit shall be taken out by the owner or by his agent, contractor or architect, and fees fixed in this chapter for the original permit shall be paid thereof.

(b) If after work has commenced, there is a cessation of the work for a period of six (6) months, then, upon notice to the holder of a building permit, which notice may be posted upon the premises, the permit shall expire. Before work may be continued, the permit must be renewed by the payments of a fee herein fixed for an original permit. Upon the cessation of work for any length of time, the Building Commissioner may order the filling in of any excavation, the protection property or materials, or the abatement of any condition of nuisance or danger.

(c) After work has been commenced, all work to be performed under such permit, including finish grading leveling of all excavations, provision for motor vehicle access to any main building and adequate enclosing and preservation from the elements shall be completed in accordance with plans and specifications within two years from the date of such permit. Such completion must be sufficient to permit use of any building for which it may be designed, sufficient to prevent the creation of nuisances or dangerous conditions or the unnecessary deterioration of materials, and sufficient to prevent a continuing adverse effect upon surrounding property values. Such two-year (2) period shall run regardless of the issuance of a stop-work order issued by the Inspector of Buildings for a failure to comply with or for a violation of any of the provisions of this Building Code.

(d) Failure to complete any operation or work for which a permit has been issued within two (2) years from date thereof, as provided herein, shall be deemed a violation of this section by the owner of any property upon which such condition exists.

(e) Upon the failure of any owner of property to complete any operation or work for which a permit has been issued within two (2) years from date thereof, as provided herein, the Building Commissioner may institute an injunction suit in the Court of Common Pleas of Cuyahoga County for an order of Court ordering such property owner to complete such operation or work within a specified time, to remove any incomplete building or structure, to fill or grade any excavation, to abate any condition of nuisance or danger, or for other relief appropriate to the enforcement of this Building Code.

(f) Failure to obtain a permit within two (2) years after final Site Development Plan approval or final approval of the Architectural Board of Review shall void all approval previously given. Thereafter, a new application must be made and another fee paid.

(g) A permit shall be obtained from the Building Commissioner for all items listed in this chapter. No work may commence unless the proper permit listed in this Chapter is first obtained by the owner of a property or his or her authorized agent. (Ord. 2009-151. Passed 4-5-10.)

1105.06 CONDITIONAL USE PERMITS

(a) Conditional Use Permits shall be required for certain uses as set forth in this Code. Because of their uncommon or unique nature or characteristics, infrequency of occurrence, large area requirements, potential for impact upon persons or adjacent properties, or for other reasons, such uses may not be permitted in a District without consideration in each case of those potential impacts and the standards and conditions under which they may be permitted and desirable at specific locations and in certain districts.

(b) Uses designated as conditionally permitted uses in a District are not permitted by right in the District. Those uses enumerated in this Code as being conditionally permitted may be permitted in the District enumerated only if a determination is made by the Commission with the concurrence of Council that such uses conform to accepted planning standards and the criteria provided herein and subject to their compliance with any specific conditions or standards attached to their approval, otherwise they shall be prohibited. The application of planning standards, for determining the acceptability, location, and extent of such conditionally permitted uses, is a planning function and not in the nature of a variance or appeal.

(c) Applications for a Conditional Use Permit shall be made on forms provided by the Building Department. Upon receipt of a completed application, the request shall be scheduled for the next regularly scheduled Commission meeting. The Commission may recommend approval, denial, or approval with specific conditions and standards for the operation of the proposed use. The recommendation of the Commission shall be forwarded to Council for its concurrence at the next regular Council meeting.

1105.99 PENALTY.

The owner or owners of any building or premises or part thereof where anything in violation of this Code is placed or exists, and any architect, builder, or contractor who may be employed to assist in the commission of any such violation, and all persons or corporations who violate any of the provisions of this Code or fail to comply therewith or with any requirements thereof, or who build in violation of any detailed statement of plans submitted and approved thereunder, shall for each and every violation or noncompliance be guilty of a misdemeanor of the first degree and shall be punished as provided in Section 101.99.
(Ord. 70. Passed 6-9-25; Ord. 1973-147. Passed 12-17-73.)

CHAPTER 1107
Amendments; Annexed Lands

1107.01 Amendment procedure.
1107.02 Zoning status of annexed land.
1107.03 Rezoning applications.

CROSS REFERENCES

Zoning of annexed areas - see Ohio R. C. 303.25, 519.18
Council may amend districting or zoning - see Ohio R. C. 713.10
Council to hold public hearing - see Ohio R. C. 713.12
Planning and Zoning Commission - see ADM. Ch. 111
Districts and Zoning Map - see P. & Z. 1111. 01
Nonconforming uses - see P. & Z. Ch. 1147

1107.01 AMENDMENT PROCEDURE.

Council may amend the zoning regulations and rezone property within the City on its own motion, or at the request of a property owner or owner's agent with the following procedure. Every proposed amendment shall be submitted to the Council first for its consideration. Proposed amendments, prior to adoption, shall be referred to the Commission for a report and recommendation. Upon receipt of the report and recommendation of the Commission, the Council shall conduct a public hearing which shall have been advertised in a newspaper of general circulation within the City for a period of not less than thirty (30) days. The Council may refer a proposed amendment to a committee of Council for further study at any time prior to adoption.

The Council may declare a moratorium for a period not to exceed 120 days if it finds and determines the necessity of preventing applications for Site Development Plan approval to the Commission, or applications for building permits to the Building Commissioner, during a period when amendments to the Code are being reviewed by the Council, and legislation is pending to amend the Code, in order to prevent the vesting of property owners' rights during the limited period of time when such legislation is being considered.
(Ord. 1987-88. Passed 12-7-87.)

1107.02 ZONING STATUS OF ANNEXED LAND.

When any land is annexed hereinafter to the City, it shall be classified as a Class U-1 Use District (Single-Family House District) and so designated on the Zone Map. Such zoning classification shall become effective simultaneously with the adoption of the annexation ordinance and shall remain until changed by Council. (Ord. 1965-27. Passed 2-15-65.)

1107.03 REZONING APPLICATIONS.

(a) Applications for rezoning shall be filed with the Clerk of Council at least seven days prior to a regular Council meeting, with a filing fee of fifty dollars ($50.00) and a deposit of two hundred fifty dollars ($250.00) to reimburse the City for any expense incurred in the review process. The Finance Director may request an additional deposit at any time when the deposit is depleted.

(b) Applications for rezoning shall be in the following form and shall include twelve (12) copies of the following information, at a minimum:

(1) A letter containing a full and complete statement, signed by a principal of the corporation or partnership or an individual requesting rezoning, including:

A. The location of the property to be rezoned;

B. The present use of the property;
C. The proposed use of the property;
D. A general statement regarding the type of building to be constructed, including its height and square footage;
E. The estimated cost of the proposed improvements and land; and
F. A statement regarding the identity of the Applicant, together with such other information as the Applicant may determine to be appropriate.

(2) A proposed Site Development Plan locating the building and improvements intended to be developed if the zoning is approved. Printed on the Site Development Plan shall be a "box score" listing:
A. All of Code requirements for the proposed use;
B. The actual dimensions shown on the Site Development Plan; and
C. The amount of any variance requested.

(3) A legal description of the property, which description shall include all easements or other restrictions on the use of the land.

(c) The Commission may make such additional rules or request such additional information as it finds necessary to complete its reports and recommendation to Council. (Ord. 1988-34. Passed 3-7-88.)

CHAPTER 1108
Site Development Plans

1108.01 Submission of site development plans.
1108.02 Contents of preliminary site development plans.
1108.03 Contents of final site development plans.
1108.04 Approval of site development plans.
1108.05 Time limitation on site development plan approval.
1108.06 Occupancy.
1108.07 Compliance required.
1108.08 Utility plan; location of utilities and transformers.
1108.09 Utilities in subdivisions of more than five sublots.
1108.10 Above ground telephone cubicles.

1108.01 SUBMISSION OF SITE DEVELOPMENT PLANS.

Preliminary and final Site Development Plans are required and shall be prepared for all proposed developments. Preliminary and final Site Development Plans shall be prepared by persons professionally qualified to do such work and shall be submitted to the Commission. Applicants shall submit both hard copy and digital versions of proposed plans. Plan submission shall be accompanied by a plan review fee and deposit as established by Council.

1108.02 CONTENTS OF PRELIMINARY SITE DEVELOPMENT PLANS.

Preliminary Site Development Plans shall be prepared at an appropriate scale and shall include the following:

(1) Property Description. A boundary description based on deed records showing the land owned and proposed for development and topographic contours at an interval acceptable to the Engineer.
(2) Buildings. The locations, size, heights and proposed use of all main and accessory buildings and their general design.
(3) Setbacks. All required setbacks and yard areas.
(4) Traffic. The proposed system of circulation of vehicular and pedestrian traffic, including details for connections to existing streets; types and widths of all pavements; estimates of traffic volume; and plans for control of traffic in and around the development.
(5) Utilities. A schematic plan for all utility installations.
(6) Parking Facilities. The layout and number of parking spaces, drive aisles, design features, and type of pavement.
(7) Drainage. Conceptual plans for grading, drainage and storm water management, including identification of the intended outlet.
(8) Landscaping. Conceptual plans showing the areas to be landscaped, the locations and dimensions of buffer areas, and proposed parking lot planter strips and/or islands. Plans shall include information regarding the general landscape treatment and, the nature of buffer and/ or screening treatments.
(9) Lighting. A schematic site lighting plan.
(10) Miscellaneous. The location and nature of refuse facilities, recreation areas, fencing, retaining walls, and similar site features.
(11) Phasing. Anticipated development phasing.
(12) Natural Features. The location of natural features such as water courses, wetlands, and flood hazard areas.

1108.03 CONTENTS OF FINAL SITE DEVELOPMENT PLANS.

Final Site Development Plans shall be prepared at an appropriate scale and shall include the following:

(1) Survey. A boundary and topographic survey, showing the land owned and proposed for development and contours at an interval acceptable to the Engineer.
(2) Buildings. The locations, size, heights and proposed use of all main and accessory buildings and their general design.
(3) Setbacks. All required setbacks and yard areas.
(4) Traffic. The proposed system of circulation of vehicular and pedestrian traffic, including details for connections to existing streets; types and widths of all pavements; estimates of traffic volume and plans for control of traffic in and around the development.
(5) Utilities. The final improvement plans for all utility installations, with pipe sizes and grades, invert elevations, structure locations, and proposed easements.
(6) Parking Facilities. The layout and number of parking spaces, drive aisles, design features, and type of pavement.
(7) Drainage. Detailed final grading, drainage, storm water management, and erosion and sedimentation control measures including detention calculations, pipe sizes, inlet information, and proposed storm outlet facility.
(8) Landscaping. Detailed designs of landscaped yards, planting areas, buffer and screening improvements, and parking lot planter strips and/or islands, including plant lists and installation details.
(9) Lighting. A site lighting plan, which indicates placement, heights, and types of lighting fixtures. Such plans may include details of resulting levels of illumination as required.
(10) Miscellaneous. The location and nature of refuse facilities, recreation areas, fencing, retaining walls, and similar site features.
(11) Signs. The location, size and design of all signage to be placed on the site.
(12) Covenants, Restrictions, and Easements. Any proposed arrangements for common areas, perpetual maintenance, proposed restricts, and proposed easements.

1108.04 APPROVAL OF SITE DEVELOPMENT PLANS.

If the Commission finds the Site Development Plans are in accordance with this Code and other ordinances of the City, then the Commission may grant approval and the final Site Development Plan shall be submitted to the Architectural Board of Review for study and approval. The Commission may attach conditions to the approval of Site Development Plans as it may deem reasonable and appropriate to insure compliance with the spirit and intent of this Chapter and to protect the public health, safety and welfare. An approved Site Development Plan may be modified by the same procedure. When reviewing Site Development Plans, the Commission may seek expert advice or cause special studies to be made. The cost of securing such advice or studies shall be borne by the applicant. No building permit shall be issued by the Building Commissioner until a final Site Development Plan has been approved as provided herein.

1108.05 TIME LIMITATION ON SITE DEVELOPMENT PLAN APPROVAL.

Failure to apply for a building permit within two (2) years from the date of preliminary or final Site Development Plan Approval shall render such Site Development Plan approval null and void and shall require submission of a new Site Development Plan prior to the commencement of any construction. Failure to begin construction of the Site Development Plan within six (6) months after the issuance of a building permit shall void the Site Development Plan as approved unless an extension of time is granted by the Commission.

1108.06 OCCUPANCY.

No use or occupancy shall be permitted until the Site Development Plan for which a building permit has been issued is substantially completed and until a certificate of occupancy

has been obtained from the Building Commissioner.

1108.07 COMPLIANCE REQUIRED.

Subsequent to the approval of a final Site Development Plan, all development or construction on the subject site shall be in substantial compliance with the approved final Site Development Plan, and any conditions of such approval adopted by the Commission. Any departure from the approved final Site Development Plan shall be deemed to be a violation of this Code.

1108.08 UTILITY PLAN; LOCATION OF UTILITIES AND TRANSFORMERS.

(a) In all new developments or subdivisions, the developer shall submit a utility plan to the City for its approval showing the location of all utilities. No development or subdivision plan shall be approved until the utility plan is also approved. All electric utilities shall be underground except as is hereinafter set forth.

(b) The Commission shall review the utility plan and make a finding approving that utility plan which will provide the benefits of service to the user and will have the least intrusion into open space. Transformers shall be located at the front or rear of a sublot, but not closer than one foot (1') from a rear yard line or three feet (3') from a sidewalk line in the front yard. Transformers shall be located on the side yard line and not closer than thirty feet (30') from a dwelling unit or accessory building.

(c) Transformers may be constructed on above ground pads when approved by the Commission. Transformers shall be screened on all sides by evergreen shrubs, fencing, or other approved methods to reasonably shield the view of such transformers. Evergreen shrubs shall be of a variety approved by the Public Works Director. No Occupancy Permit for a new building shall be issued unless the shrubs are installed by the developer or owner and approved by the Director, or unless a one hundred dollar ($100.00) bond for shrubs is deposited with the City should occupancy occur during the winter months.

(d) The owner of each building having such shrubs shall maintain and/or replace the shrubs of an approved variety and of a height and density to accomplish the purpose of screening the transformer. In the event that the Cleveland Electric Illuminating Company requires access to a transformer and removes or damages the shrubs, the City will replace the shrubs. Such replacement does not relieve the owner from the duty to maintain and/or replace such shrubs if they die or are otherwise damaged.

1108.09 UTILITIES IN SUBDIVISIONS OF MORE THAN FIVE SUBLOTS.

In all subdivisions of more than five (5) sublots, the following procedure shall be followed and the following requirements shall be met:

(a) The preliminary Site Development Plan with respect to any new subdivision shall be submitted to all utility companies serving the subdivision as well as the Building Commissioner and Engineer, for their recommendations.

(b) Utility easements at least ten feet (10') in width for gas, telephone, electric power and street lighting distribution lines and facilities shall be provided on all front lot lines and along certain side or rear lot lines where necessary.

(c) Prior to granting final approval, the subdivider shall have installed or shall have furnished adequate bond for the ultimate installation in accordance with electrical requirements and the Building Code of the City of the following:

(1) Underground telephone cables;

(2) Underground distribution cables for power and street lighting from a common distribution system, and the equipment and housing necessary in the operation of the distribution system;

(3) Adequate provision for street light lamps and standards in accordance with a design approved by Council;
(4) Underground gas lines; and
(5) Underground television, internet, and other cables or fiber optic lines.

1108.10 ABOVE GROUND TELEPHONE CUBICLES.

Commission may approve above ground telephone cubicles and facilities for other public utilities to be located, insofar as possible, adjoining the electric transformer. In no event shall such transformer or telephone cubicle exceed:

(a) Electrical transformers--thirty-two inches (32”) high; thirty-six inches (36”) wide; forty-two inches (42”) long.
(b) Telephone cabinets--ten inches (10”) square; forty-eight inches (48”) high, sixteen inches (16”) below ground and thirty-two inches (32”) above ground (standard is only six inches (6”) square by forty-eight inches (48”) high)
(c) Other utilities as determined by the Engineer.

CHAPTER 1109
Condominium Conversions

1109.01 Conditions precedent.
1109.02 Rights of tenants.
1109.03 Tenant defined.

CROSS REFERENCES

Condominium property - see Ohio R. C. 5311.01 et seq.
Attached Single-Family Home District - see P. & Z. Ch. 1116
Apartment House District - see P. & Z. Ch. 1117
High-Rise Apartment District - see P. & Z. Ch. 1119

1109.01 CONDITIONS PRECEDENT.

No Apartment or Multi-Family Dwelling use in the City shall be converted into a condominium by the sale of individual apartment suites to owners under various applicable condominium laws until and unless the owner has complied with the following regulations, and no certificate of occupancy shall be given to any purchaser of a condominium unit until the apartment house owner converting to condominiums has fully complied herewith.

(a) The owner shall notify the Commission and each Tenant of the owner's intention to convert to condominium units and shall appear before the Commission. Commission shall inquire whether a violation of any of the provisions of this Code exists upon the premises, whether a variance has been granted for the premises, and whether the Building Code, the Fire Prevention Code and other applicable laws are being complied with. The Commission shall also review any proposed amendment to the Site Development Plan.

(b) Any variance for which an application for condominium conversion has been filed, which has been granted to an Apartment or Multi-Family Dwelling use, referred to in this chapter, by Council upon the recommendation of the Commission, is hereby declared void and not transferable to the condominium buyers, unless the Commission, after study of the proposed usage, again recommends the same to Council and Council agrees to further approve the variance or any modification thereof for the proposed condominium conversion use.

(c) Upon receipt of reports from the Building Commissioner, the Chief of the Fire and Rescue Department, the Engineer and other department heads, with such additional information as the Commission may require, the Commission may approve the condominium conversion upon finding that all applicable City and State laws, not inconsistent herewith, have been complied with, and that the provisions of this Chapter have been fully complied with.
(Ord. 1979-36. Passed 11-5-79.)

(d) The notice to the City provided for in subsection (a) hereof shall be by written application together with a deposit of twenty-five dollars ($25.00) per suite to reimburse the City for its cost incurred in the review of the application. An additional deposit may be required by the Commission.
(Ord. 1984-26. Passed 3-5-84.)

1109.02 RIGHTS OF TENANTS.

(a) All Tenants of the owner in a conversion condominium development shall be given ninety (90) days written notice of the owner's intention to convert to condominium and to offer the Tenant's suite for sale to the public if not purchased by the Tenant. Within such ninety (90) days, each Tenant shall have the right of first refusal of such Tenant's suite by giving written notice to the owner of the

Tenant's intention to purchase. After giving such written notice to the owner, each Tenant shall have an additional one-hundred-twenty (120) days to enter into a contract for the purchase of the Tenant's suite and to obtain financing.

(b) Should the Tenant not purchase the suite, each Tenant shall have the following additional time prior to vacating the suite: Each Tenant shall have one (1) month for each twelve (12) months that such person has been a Tenant at the Apartment or Multi-Family Dwelling use, with a minimum of four (4) months. If any Tenant is over sixty-five (65) years old, such Tenant shall be given a minimum of six (6) months to vacate.

(c) This section shall not apply to evictions for purposes other than converting an Apartment or Multi-Family Dwelling into a condominium development.

(d) During any period of time when a Tenant, not agreeing to purchase his suite, holds over under the protection of this Chapter, the owner may raise the rental not higher than the average of any increase in the Consumer Price Index maintained by the U. S. Department of Labor for the preceding twelve (12) months. (Ord. 1979-36. Passed 11-5-79.)

1109.03 TENANT DEFINED.

"Tenant," as used in this Chapter, means a family unit or an individual. The rights of members of a family may not be added to extend the times herein.
(Ord. 1979-36. Passed 11-5-79.)

TITLE THREE - Zoning Districts and Uses

Chap. 1111. District and Use Classification; Zone Map.
Chap. 1113. U-1 Single-Family Residential District.
Chap. 1114. Cluster Development Alternate.
Chap. 1116. U-2A Attached Single-Family Residential District.
Chap. 1117. U-3 Multi-Family Residential District.
Chap. 1118. U-3C Planned Multi-Family Residential District.
Chap. 1119. U-3A High-Rise Apartment District.

Chap. 1121. U-4A Integrated Business District.
Chap. 1123. U-4B Shopping Center District.
Chap. 1124. U-5 Public and Institutional District.
Chap. 1127. U-7A General Office Building District.
Chap. 1129. U-8 Industrial and Office Mixed-Use District.
Chap. 1130. U-8A Office Building and Research District.
Chap. 1131. U-9 Motor Service District.
Chap. 1132. U-10 Planned Mixed-Use Development District.

CHAPTER 1111
District and Use Classification; Zone Map

1111.01 Districts and zone map generally.
1111.02 Classification of uses.
1111.03 Prohibited uses.

CROSS REFERENCES
Basis of Districts - see Ohio R.C. 713.10
Amendments - see P. & Z. 1107.01
Zoning status of annexed lands - see P. & Z. 1107.02
Nonconforming uses - see P. & Z. Ch. 1147

1111.01 DISTRICTS AND ZONE MAP GENERALLY.

For the purpose of regulating the location of trades, industries, residential houses and other uses of property, the number of square feet of lot area per family housed, the width of lots, the location and size of yards and the alignment of buildings upon street frontages, the City is hereby divided into the following classes of Use Districts, termed respectively:

Class U-1 or Single-Family Residential District
Class U-2A or Attached Single-Family Residential District
Class U-3 or Multi-Family Residential District
Class U-3A or High-Rise Apartment District

Class U-3C or Planned Multi-Family Residential District
Class U-4A or Integrated Business District
Class U-4B or Shopping Center District
Class U-5 or Public and Institutional District
Class U-7A or General Office Building District
Class U-8 or Industrial and Office Mixed-Use District

Class U-8A or Office Building and Research District
Class U-9 or Motor Service District
Class U-10 or Planned Mixed-Use Development District

and into three classes of Area Districts, termed respectively:
Class A-1 Class A-2 Class A-3

all as shown upon the Zone Map, a copy of which is attached to original Ordinance 1993-52, passed September 13, 1993, as Exhibit B, and which is hereby declared to be a part of this Code.

No building shall be erected on the premises used except in conformity with the regulations herein provided for the Use and Area Districts in which such building or premises are located.

(Ord. 1963-46. Passed 4-15-63; Ord. 1976-109. Passed 11-1-76; Ord. 1977-13. Passed 12-5-77; Ord. 1987-62. Passed 7-2-87; Ord. 1989-139. Passed 11-20-89; Ord. 1993-52. Passed 9-13-93; Ord. 1997-112. Passed 1-6-98; Ord. 2011-170. Passed 3-19-12.)

1111.02 CLASSIFICATION OF USES.

For the purpose of this Code, the various uses to which buildings and premises can be devoted are divided into groups, classes and subdivisions as set forth in the following classification. These uses, hereinafter classified as Class U-1, Class U-2A, Class U-3, Class U-3A, Class U-3C, Class U-4A, Class U-4B, Class U-5, Class U-7A, Class U-8, Class U-8A, Class U-9 and Class U-10, are permitted under regulations herein set forth in the respective Use Districts allotted to such uses.

(a) Class U-1 Uses.
(1) Single-Family Dwellings.

(c) Class U-2A Uses.
(1) Attached Single-Family Dwellings.

(d) Class U-3 Uses.
(1) Multi-Family Dwellings.

(e) Class U-3A Uses.
(1) High-rise Multi-Family Dwellings.

(f) Class U-3C Uses.
(1) Multi-Family Dwellings.
(Ord. 2011-170. Passed 3-19-12.)

(g) Class U-4A Uses.
(1) Stores selling commodities at retail such as, but not necessarily limited to:
A. Groceries; supermarkets; bakeries; delicatessens. Such uses may be permitted curbside pickup provided that they first obtain a Site Development Plan approval. The number of spaces dedicated for curbside pickup shall be as authorized on the approved Site Development Plan.
B. Restaurants; Restaurants may be permitted outdoor dining areas and/or curbside pickup provided that they first obtain a Site Development Plan approval. The number of outdoor seats and/or spaces dedicated for curbside pickup shall be as authorized on the approved Site Development Plan.
C. Drug stores.
D. Wearing apparel stores.
E. Variety stores.
F. Paint and wall paper; hardware stores.
G. Furniture; household appliances; draperies; floor coverings.
H. Electronic appliances.
I. Florist; gift; jewelry, sporting goods stores.
(2) Service establishments such as, but not necessarily limited to:
A. Barbers; beauty shops, and nail salons.
B. Dry cleaning; laundries; tailor shops.

C. Appliance repair.
D. Banks and other financial institutions.
E. Exercise and training facilities.
F. Private schools and colleges.
G. Dance studios; photographic studios.
H. Printing shops; copy centers.
I. Child Day Care Centers pursuant to Section 1155.02.
J. Adult Day Care Centers pursuant to Section 1155.03.
K. Indoor recreation and athletic facilities,
L. Day spas, tanning salons, and massage therapy.

(3) Offices including medical offices.
(4) Hotels.
(5) Multi-Family Dwellings above the first floor with a Conditional Use Permit.
(6) Banks and drug stores may be permitted accessory drive-thru, drive-up, or pickup arrangements and facilities provided they first obtain a Conditional Use Permit.

(i) Class U-4B Uses.
(1) Shopping centers.

(j) Class U-5 Uses.
(1) Governmental facilities.
(2) Parks and public recreation facilities.
(3) Public and private schools and colleges.
(4) Nursing homes.
(5) Places of worship.
(6) Libraries.
(7) Museums.
(8) Community Centers.

(k) Class U-7A Uses.
(1) Professional, administrative, executive, sales (without samples and merchandising services), governmental and public utility offices.
(2) Services of a limited nature such as beauty and barber shops, photographic developing and blueprinting.
(3) Telephone exchanges.
(4) Child Day Care Centers pursuant to Section 1155.02.
(5) Adult Day Care Centers pursuant to Section 1155.03 .
(6) Licensed health care facilities with a Conditional Use Permit.
(7) Professional medical offices.
(8) Banks and other financial institutions.
(9) Restaurants; Restaurants may be permitted outdoor dining areas and/or curbside pickup provided that they first obtain a Site Development Plan approval. The number of outdoor seats and/or spaces dedicated for curbside pickup shall be as authorized on the approved Site Development Plan.
(10) Multi-Family Dwellings above the first floor with a Conditional Use Permit.

(l) Class U-8 Uses.
(1) Professional, administrative, executive, and sales offices.
(2) Professional medical offices.
(3) Licensed health care facilities.
(4) Research and development laboratories and testing facilities.
(5) Wholesale and retail businesses and showrooms.
(6) Retail sales associated with wholesale businesses and showrooms, interior decorating and design services, or with articles or goods created, manufactured, or assembled on the premises.
(7) Storage and distribution of finished or packaged goods subject to the

provisions of Section 1129.08.

(8) Light manufacturing, fabrication and assembly operations.
(9) Business services.
(10) Personal services.
(11) Printing, publishing and engraving.
(12) Photographic studios, sales and processing.
(13) Copy, blueprinting and reproduction services.
(14) Interior decorating and design services and facilities.
(15) Postal facilities and package delivery services.
(16) Public utility facilities.
(17) Municipal facilities.
(18) Financial institutions.
(19) Child Day Care Centers pursuant to Section 1155.02.
(20) Adult Day Care Centers pursuant to Section 1155.03.
(21) Dance studios.
(22) Recording and broadcast studios.
(23) Art studios and galleries.
(24) Athletic facilities, fitness centers, and health spas 8,000 square feet or less.
(25) The following uses may be permitted with a Conditional Use Permit:
A. Schools and training facilities.
B. Athletic facilities, fitness centers, and health spas greater than 8,000 square feet.
C. Licensed health care facilities.
D. Restaurants provided, however, that no such use shall be established on a site requiring a parking variance to accommodate said use. Restaurants may be permitted curbside pickup. The number of spaces dedicated for pickup shall be as authorized in the Conditional Use Permit.
E. Daily and overnight pet care facilities provided that such facilities meet the following criteria:
1. The maximum number of pet lodging units shall not exceed one (1) per each one hundred (100) square feet of gross floor area of the first floor of the building.
2. Runoff from all lodging units and exercise areas shall be directed to the sanitary sewer system and not the storm sewer system.
3. An outdoor exercise and relief area shall be provided which shall contain a minimum of 1200 square feet and shall be enclosed with an opaque fence eight feet (8') in height.
4. No animals shall be permitted outdoors between the hours of 10:00 p.m. and 6:00 a.m.
5. Wastes shall be controlled and collected on site and shall be properly removed at least two (2) times per week.
6. There shall be no noise from animals measurable beyond the property boundary lines.
7. There shall be a minimum of two (2) employees on site at all times.
8. Parking spaces shall be provided at the rate of five (5) spaces plus one (1) space for each ten (10) lodging units at maximum capacity.
9. The maximum number of daily or day care animals shall not exceed fifty percent (50%) of the approved number of lodging units.
10. There shall be no grooming other than of pets which are being lodged for overnight stays.
11. There shall be no retail sales of pet supplies or products.

12. There shall be no pet training classes conducted on the premises.
13. The use shall not be so located as to have an adverse impact on the use, reuse, and/or redevelopment of any other property in the District.

F. Veterinary hospitals and clinics.

G. Multi-family residences provided that no dwelling units shall be located on the first or ground floor.

(m) Class U-8A Uses.

(1) Professional, administrative, executive, governmental and public utility offices.
(2) Licensed health care facilities with a Conditional Use Permit.
(3) Professional medical offices.
(4) Research and development laboratories or testing offices.
(5) Wholesale offices and showrooms.
(6) Manufacturing and assembling as permitted in Class U-8.
(7) Child Day Care Centers pursuant to Section 1155.02.
(8) Adult Day Care Centers pursuant to Section 1155.03.

(n) Class U-9 Uses.

(1) Gasoline service station limited to sites with frontage on Chagrin Boulevard only.
(2) Motels and hotels.
(3) Restaurants; Restaurants may be permitted outdoor dining areas and/or curbside pickup provided that they first obtain a Site Development Plan approval The number of outdoor seats and/or spaces dedicated for curbside pickup shall be as authorized on the approved Site Development Plan.
(4) Automobile agencies limited to sites with frontage on Chagrin Boulevard and Central Parkway only.
(5) Banks.
(6) Office buildings.
(7) Child Day Care Centers pursuant to Section 1155.02.
(8) Adult Day Care Centers pursuant to Section 1155.03.
(9) Licensed health care facilities with a Conditional Use Permit.
(10) Professional medical offices.

(o) Class U-10 Uses.

(1) Office buildings.
(2) Licensed health care facilities with a Conditional Use Permit.
(3) Professional medical offices.
(4) Motels and hotels.
(5) Restaurants; Restaurants may be permitted outdoor dining areas and/or curbside pickup provided that they first obtain a Site Development Plan approval. The number of outdoor seats and/or spaces dedicated for curbside pickup shall be as authorized on the approved Site Development Plan.
(6) Motor vehicle service stations.
(7) Child Day Care Centers pursuant to Section 1155.02.
(8) Adult Day Care Centers pursuant to Section 1155.03.

1111.03 PROHIBITED USES.

The following uses shall be prohibited in any Use District:

(1) Billboards and advertising devices except signs advertising premises for sale, lease or rent, upon which premises such sign is located, or for advertising the business conducted in the building upon which such sign is placed.

(2) Garbage, dead animals or offal disposal or reduction plant.
(3) Slaughtering of fowls and/or animals.
(4) Crematories, mortuaries (funeral homes).
(5) Penal and correctional institutions.
(6) Lumber, coal or building supply yards.
(7) Scrap iron or junk storage, scrap paper or rag storage or baling, junk or used automobile yard or storage.
(8) Manufacturing or other business, which by reason of noise, smoke, vibration, odor or its inherent nature may constitute or may threaten to become a public nuisance or may endanger the public health, safety and general welfare.
(9) Motor freight depot.
(10) Trailer camp or park.
(11) Used car lot or used car sales, except in conjunction with an automobile sales agency selling new automobiles.
(12) Drive-in theaters.
(13) Restaurants with drive-thru facilities
(14) The sale of firearms and/or ammunition in any residential zoning district, provided however, that any person who has established a legal nonconforming use to sell firearms and/or ammunition prior to the effective date of this provision may continue to sell firearms and/or ammunitions provided that they maintain all applicable State and Federal permits and licenses. The nonconforming use may not be increased, enlarged, expanded, moved to another residential location, or transferred to another individual.
(15) Retail medical marijuana facilities, provided however, that Licensed Health Care Facilities may dispense medical marijuana as authorized by the State of Ohio.
(16) Cultivation and/or processing of marijuana.

CHAPTER 1113
U-1 Single-Family Residential District

1113.01 Permitted uses.
1113.02 Accessory uses.
1113.03 Rear yards.
1113.04 Location of building line.
1113.05 Side yards.
1113.06 Required house sizes.
1113.07 Projections into and uses of required yards.
1113.08 Height regulations.
1113.09 Cluster development alternate.

CROSS REFERENCES
Districts established - see P. & Z. 1111. 01
Classification of uses - see P. & Z. 1111.02
Lots - see P. & Z. Ch. 1143
Class U-5 uses may be permitted in Class U-1 District - see P. & Z. 1147.03

1113.01 PERMITTED USES.

In a Class U-1 District, no building or premises shall be used, and no building shall be erected which is designed, constructed or used, for any purpose other than a single-family dwelling, occupied and used by one family as defined in Section 1101.22, provided, however, that other similar, harmonious, and compatible uses may be permitted as determined by the Commission and confirmed by Council. The Commission may recommend and Council may

attach such conditions, stipulations, or requirements to the approval of such similar uses as deemed necessary to insure their compatibility, mitigate potential impacts, and otherwise carry out the intent of this Code.
(Ord. 1999-195. Passed 8-7-00.)

1113.02 ACCESSORY USES.

An accessory use is permitted in a Class U-1 District, provided that such accessory use is located upon the same lot or use to which it is accessory.
(Ord. 1987-176. Passed 8-15-88.)

(a) Garages. Each dwelling shall have an enclosed garage space for at least one (1) vehicle, but the total garage floor area for any dwelling shall not exceed 1,050 square feet of gross floor area. (Ord. 2004-56. Passed 6-21-04.)

(b) Home Occupations. Home occupations are permitted for professional and business offices where each person employed in such business or profession actually resides at the residence. Such business or professional office shall not have any signage. No residence may be used as a store, trade or business for the sale or storage of any merchandise or other property declared unlawful by the laws of the United States, the State and/or the City. The sale of personal furniture and furnishings owned and used by the occupants may be sold as is otherwise regulated by City ordinance.

(c) Parking. The parking or storage of any truck, bus or other commercial vehicle is prohibited unless the vehicle is in actual use, performing a service or delivering or picking up merchandise or persons from the property, or unless such vehicle is parked entirely within an enclosed accessory garage located on the same lot as the residence. Motor vehicles shall be parked only within an enclosed garage or on a paved driveway. A motor vehicle which is not capable of operation on a public street or highway shall not be parked or permitted to remain outside of an enclosed garage.

(d) Roomers. Each residence may rent not more than one (1) bedroom to not more than two (2) persons as roomers.

(e) Accessory Recreation Structures. Accessory recreation structures, such as children's play equipment and fenced courts, may be permitted provided such accessory recreation structures:

(1) Are located in the rear yard behind the principal building;
(2) Are located a minimum of ten feet (10') from the rear lot line;
(3) Comply with the side yard setbacks contained in Section 1113.05.

Tree houses and accessory recreation structures are not included in the definition of "building" or "structure" as set forth in Section 1101.07.
(Ord. 1999-118. Passed 9-14-99.)

1113.03 REAR YARDS.

In a Class U-1 District, every building erected shall have a rear yard. The least dimension of such rear yard shall be thirty percent (30%) of the average depth of the lot, but such least dimension need not be more than forty feet (40'), provided such least dimension shall be in no case less than one-half of the height of the building. Decks and similar unenclosed structures, or portions thereof, may extend into said rear yards, but no such structure shall extend closer to the rear lot line than a least dimension of twenty percent (20%) of the average depth of the lot.

Twenty-five percent (25%) of the area of such yard may be occupied by a one-story accessory building not more than fifteen feet (15') in height. On a corner lot the rear line of which is identical with the side line of an interior lot, no accessory building, if detached from the main building, shall be erected within twenty-five feet (25') of any street line or within ten feet (10') of the rear lot line. Accessory buildings on interior lots shall be located a minimum of five feet (5') from the rear lot line. (Ord. 1999-195. Passed 8-7-00.)

1113.04 LOCATION OF BUILDING LINE.

On any street frontage in a Class U-1 District, the location of the building line shall be as

follows:

(a) On a street frontage other than the side line of a corner lot, the distance of the building line back from the street right-of-way line shall be twenty percent (20%) of the average depth of the lot or thirty-five feet (35') whichever is greater.

(b) In a Class U-1 District along the side line of a corner lot, the distance of the building line back from the street right-of-way line shall be twenty percent (20%) of the average width of such lot, or twenty feet (20') whichever is greater. (Ord. 2008-100. Passed 11-17-08.)

1113.05 SIDE YARDS.

Side yards are required in Single-Family House Districts as follows:

Lot Frontage (ft.)	Combined Open Side Yard (ft.)	Minimum Side Yard (ft.)
100 and over	28	14
80 to 99	24	12
60 to 79	15	7
50 to 59	11	3
49 to 59	11	3

Building permits shall be issued wherever possible to alternate minimum side yards to avoid abutting minimum side yards. (Ord. 1975-131. Passed 12-15-75.)

1113.06 HOUSE SIZE DISTRICTS.

(a) Purpose and Intent. House size regulations are established to insure long-term compatibility within neighborhoods, preserve and protect residential property values, balance the size and bulk of housing with available lot area, avoid over building of residential lots, and provide appropriate housing opportunities within the City.

(b) Minimum Floor Area. Each house shall have a minimum gross floor area excluding basements, as defined in Section 1101.05, based upon the Area District in which it is located as set forth herein:

A-1 Area Districts	2,400 Square Feet
A-2 Area Districts	1,800 Square Feet

(c) Maximum Floor Area. Each house shall have a maximum gross floor area excluding basements, as defined in Section 1101.05, in accordance with the following table:

Lot Area	Minimum Side Yard	Maximum House Size
Less than 10,000 Sq. Ft.	Less than 10 Feet	2.0 X Buildable Area
Less than 10,000 Sq. Ft.	10 Feet or Greater	2.2 X Buildable Area
10,001 to 15,000 Sq. Ft.	Less Than 10 Feet	1.5 X Buildable Area
10,001 to 15,000 Sq. Ft.	10 Feet or Greater	1.7 X Buildable Area
15,001 to 24,000 Sq. Ft.	10 Feet or Greater	1.25 X Buildable Area
Greater Than 24,000 Sq. Ft.	10 Feet or Greater	1.1 X Buildable Area

For purposes of compliance with this section, Buildable Area shall be that portion of a lot behind the required Front, Side and Rear Set-Back Lines for the Use District within which a building may be constructed in conformance with this chapter. All Required Yards shall be deducted from the lot area to determine the

Buildable Area.
(Ord. 2009-119. Passed 3-15-10.)

1113.07 PROJECTIONS INTO AND USES OF REQUIRED YARDS.

(a) There shall be no parking or storage of any motor vehicle in a side or rear yard or in front of any building setback line except upon an approved driveway or apron. No commercial vehicle shall be parked or stored on an unenclosed portion of a residentially zoned property except as specifically authorized in Section 452.14 of the Traffic Code.

(b) No commercial materials or equipment shall be stored on the exterior area of any residentially zoned property.

(c) The following building features may extend not more than twenty-four inches (24") into any front, side, or rear yard setback:
(1) Cornices, canopies, eaves, overhangs and similar features;
(2) Chimneys;
(3) Bow windows, bay windows, and similar features.

(d) Steps from required exit doors may extend not more than three feet (3') into any required front, side, or rear yard setback.

(e) Accessibility ramps for disabled persons which meet Americans with Disabilities Act guidelines may extend into required front, side or rear yard setbacks subject to a determination by the Building Commissioner that the design of such facilities is reasonable and constitutes the least possible intrusion into the required setback. Such structures shall be considered temporary and any permit issued by the Building Commissioner shall contain a written agreement by the applicant to remove same upon termination of the accessibility need.
(Ord. 1999-195. Passed 8-7-00.)

1113.08 HEIGHT REGULATIONS.

Each dwelling shall have a maximum height of thirty-five feet (35').
(Ord. 2002-31. Passed 4-15-02.)

1113.09 CLUSTER DEVELOPMENT ALTERNATE.

In lieu of compliance with the standard provisions of Sections 1113.03 through 1113.08 hereof, property owners in a Class U-1 Single-Family House District may choose to design and develop a group of single-family detached dwellings as a Cluster Development in conformance with the provisions of Chapter 1114. Where duly approved by the Commission pursuant to the provisions of Chapter 1114, the Cluster Development plan and standards shall apply and take precedence over the provisions of Sections 1113.01 through 1113.08. (Ord. 2002-31. Passed 4-15-02.)

CHAPTER 1114
Cluster Development Alternate

1114.01 Purpose; intent.
1114.02 Establishment of cluster developments.
1114.03 Permitted uses.
1114.04 Development standards.
1114.05 Application and review procedures.
1114.06 Bonding of required improvements.

CROSS REFERENCES
District regulations - see P. & Z. Ch. 1113
Classification of uses - see P. & Z. 1111.02
Permits, fees, and deposits - see BLDG. Ch. 1329
Signs for residential districts - see P. & Z. 1141.12

1114.01 PURPOSE; INTENT.

The Cluster Development Alternate is intended to encourage the use of free and irregular yard patterns between dwellings and without uniform relation to the street pattern. The purpose is to promote the general public welfare, encourage the efficient use of land and resources, promote greater efficiency in the provision of public services and utilities, and encourage innovation in the planning and building of developments by providing opportunities for creative design and planning of developments using more flexible zoning guidelines and site design criteria than permitted under traditional District Regulations.

The suspension of traditional zoning provisions within Cluster Developments is intended to encourage creative, high quality site design practices in the development of residential areas, promote harmony and integration with existing developments, protect adjoining properties from adverse impacts, promote safe and efficient pedestrian and vehicular movement, promote efficient layout of infrastructure, and create attractive and useful private spaces.
(Ord. 2002-31. Passed 4-15-02.)

1114.02 ESTABLISHMENT OF CLUSTER DEVELOPMENTS.

The following criteria shall govern the establishment of any Cluster Development within a U-1 District:

(a) No Cluster Development shall be established except subsequent to an application by the property owner requesting that the land be subject to these special provisions.

(b) The layout shall be designed to create an orderly arrangement compatible with the landscape and topography of the area.

(c) Each Cluster Development shall be developed in conformance with an approved Site Development Plan which has been reviewed and approved in accordance with the provisions set forth herein.

(d) The minimum area to qualify for a Cluster Development shall not be less than two (2) contiguous acres.

1114.03 PERMITTED USES.

Within a Cluster Development, no building or premises shall be used, and no building shall be erected which is designed, constructed or used, for any purpose other than single-family uses specifically enumerated as permitted, conditionally permitted, or accessory within Class U-1 Districts as set forth in Sections 1113.01, 1113.02, and 1111.02(a) and further provided that each such use is identified on and approved as part of the development plan.

(Ord. 2002-31. Passed 4-15-02.)

1114.04 DEVELOPMENT STANDARDS.

The following shall apply to all Cluster Developments:

(a) Maximum Density. The maximum density of dwelling units shall be as set forth on the approved development plan provided, however, that the density of the entire Development Area shall not exceed three and one half (3.5) dwelling units per acre on land zoned U-1 A-1 and five (5) dwelling units per acre on land zoned U-1 A-2.

(Ord. 2002-169. Passed 1-6-03.)

(b) Minimum Floor Area. As set forth in Section 1113.06 of the Code.

(c) Maximum Height. Each dwelling shall have a maximum height of thirty-five feet (35'), however, the Commission and the Architectural Board of Review may authorize additional height based on the proximity to existing housing.

(d) Setbacks and Separations. Building setbacks and separations shall be established on the approved final development plan. In establishing said separations the Commission shall consider the spacing necessary for adequate visual and acoustical privacy, adequate light and air, fire and emergency access, building configurations, energy-efficient siting, and the relationships of building sites to circulation patterns. In no instance shall the established setbacks and/or separations be less than the following:

(1) No building or parking area shall be located closer to the right-of-way line of an existing public street than fifty feet (50') in a U-1 A-l District and forty feet (40') in a U-1 A-2 District. Landscape features and structures such as walls, fences, hedges, lighting, development signs, etc. may be incorporated within the minimum front setback distance for said street with the approval of the Commission.

(2) No building or structure shall be located closer than forty feet (40') to any perimeter property line of the Cluster Development provided, however, decks, patios, and similar unenclosed structural elements may extend to within thirty feet (30') of the property line.

(3) No building or structure shall be located closer than twenty-five feet (25') from the right-of-way line of any new public street constructed as part of the Cluster Development or the edge of pavement of any private street constructed as part of the Cluster Development.

(4) The minimum side wall to side wall distance between buildings within a Cluster Development shall be fifteen feet (15').

(5) The minimum rear wall to rear wall distance between buildings within a Cluster Development shall be fifty feet (50').

(6) The minimum side wall to rear wall distance between buildings within a Cluster Development shall be thirty feet (30').

(7) The minimum separation between decks, screened porches, or other similar open and unenclosed portions of structures within a Cluster Development shall be twenty feet (20').

(8) Building features may project into required building separations as set forth in Section 1113.07.

(9) No private street or driveway shall be located closer than twenty feet (20') to any perimeter property line of the Cluster Development.

(e) Access and Street Requirements.

(1) Streets and/or access drives to Cluster Developments shall be located at least one hundred feet (feet) from the nearest intersecting street right-of-way.

(2) All private streets within a Cluster Development shall have a minimum pavement width of twenty four feet (24'), a minimum cul-de-sac radius of fifty feet (50'), and shall meet the same base and pavement design criteria as public streets.

(3) Cluster Developments shall be designed to provide access internally within the development and to minimize access points and intersections onto existing public streets.

(4) Entrance and exit from a Cluster Development shall be through approved access drives and curb cuts.

(5) Each dwelling shall have access to either a public or private street in a manner approved by the Commission and as shown on the development plan.

(6) Cluster Developments shall be designed to permit adequate access by emergency vehicles, promote the safety of motorist and pedestrians, minimize traffic conflicts and congestion, and promote the safe, efficient flow of vehicular traffic.

(f) Parking. Each dwelling unit shall be provided with a minimum of three (3) off street parking spaces, at least two (2) of which shall be within a completely enclosed attached garage.

(g) Open Space Requirements.

(1) Common open space areas shall be as set forth on the final approved development plan provided, however, that the common open space shall be located and designed to be integrally related to the overall design of the development and to conserve and protect significant natural features such as wetlands, woodlands, streams, lakes, historic features, and environmentally sensitive areas.

(2) In any Cluster Development, the total public or common open space area shall not be less than twenty-five percent (25%) of the gross acreage of the entire Development Area.

(3) Land areas devoted to streets, drives, parking areas, rights-of-way, required setbacks from streets and rights-of-way, required spacing between buildings, and areas within individual lots shall not be included in the calculation of open space for the purpose of meeting the minimum open space area requirement. Open space areas within required buffers and/or setbacks from property lines may be counted as common open space.

(4) The ownership of all common open space areas shall be identified and a perpetual maintenance plan for said areas submitted to the City for review and approval. Said perpetual maintenance plan shall set forth responsibility for maintenance of all such areas and describe the method of financing for said maintenance program. The perpetual maintenance plan shall become part of the development plan and shall identify the City of Beachwood as a beneficial party thereto with rights, but no obligation, to enforce the provisions contained therein.

(h) Landscaping and Buffers.

(1) All disturbed areas within a Cluster Development which are not covered by permitted structures or pavement shall be landscaped with grass, trees, shrubbery and other appropriate ground cover or landscaping materials. All landscaping shall be in conformance with the approved landscaping plan for the development. Trees and shrubs shall be planted so as not to obstruct the views of drivers at driveway entrances and/or street intersections.

(2) Perimeter setback areas as required in Section 1114.04 (d) shall be maintained as natural buffers from adjoining properties. No buildings or structures shall be placed within those perimeter buffer areas. Additional screening and buffering may be required within the required setbacks from existing public street rights-of-way and perimeter property boundaries where the Commission determines that existing vegetation is inadequate to provide an appropriate buffer. Landscape improvements may include mounding, screen walls, or fences if approved as part of the landscape

plan.

(i) Storm Drainage Provisions. Each Cluster Development shall include provisions for a storm drainage system designed and constructed by the developer in accordance with the requirements of the Engineer.

(j) Utilities. All utilities shall be located underground, except that utility appurtenances may be constructed above-ground as approved by the City as part of the development plan approval.

(1) Water lines and appurtenances shall be designed and installed in conformance with the requirements of the City and the City of Cleveland Division of Water.

(2) Sanitary sewer lines and appurtenances shall be designed and installed in conformance with the requirements of the City and the Northeast Ohio Regional Sewer District.

(3) Site lighting shall be in accordance with the requirements of the Commission and shall be shown on the development plan.

(k) Accessory Structures. Decorative and ornamental fences not completely enclosing a patio, deck, or similar structure are permitted only as specifically approved by the Architectural Board of Review and the homeowners association.

(l) Signs. Signs in Cluster Developments shall comply with the sign regulations for U-1 Districts as set forth in Section 1141.12.

(Ord. 2002-31. Passed 4-15-02.)

1114.05 APPLICATION AND REVIEW PROCEDURES.

Applications for Cluster Developments shall be submitted for review and approval in accordance with the provisions of this section and with the provisions of Chapter 1108.

1114.06 BONDING OF REQUIRED IMPROVEMENTS.

Prior to the commencement of construction, each Cluster Development shall provide a performance guarantee or bond to ensure completion of landscaping, hard surfacing of private streets, drives and parking areas, improvements within public rights-of-way or easements, water lines, sanitary sewer lines, storm sewers, and surface water drainage, and other improvements integral to the proposed project in conformity with approved plans. Such bonds or guarantees shall be in a form approved by the Law Director, and shall be in an amount equal to the estimated construction cost of the improvements as determined by the Engineer. Performance guarantees shall be submitted and approved prior to the issuance of any building permits.
(Ord. 2002-31. Passed 4-15-02.)

CHAPTER 1116
U-2A Attached Single-Family Residential District

1116.01 Purpose; intent.
1116.02 Permitted uses.
1116.03 Area regulations.
1116.04 Development plans.
1116.05 Height regulations.
1116.06 Setbacks.
1116.07 Parking and driveways; streets.
1116.08 Landscaping and open space.
1116.09 Lighting plan.
1116.10 Building and site design standards.

CROSS REFERENCES
Districts established - see P. & Z. 1111.01
Classification of uses - see P. & Z. 1111.02
Lots - see P. & Z. Ch. 1143
Submission of plans to Architectural Board of Review; fee - see BLDG. 1329.08

1116.01 PURPOSE; INTENT.

The purpose of this zoning District is to permit and control development of attached one-family homes in clusters. The intent is to permit additional flexibility in design and standards so as to promote quality and imaginative designs. Property may be improved to these standards when zoned U-2A only.
(Ord. 1976-109. Passed 11-1-76.)

1116.02 PERMITTED USES.

Land and buildings shall be used, and buildings shall be designed, erected, moved and altered, only in accordance with the use regulations set forth in this Chapter.

(a) Main Uses and Buildings. Units which form attached one-family homes with separate exterior entrances, fire walls dividing each unit and no unit built above or below another unit.

(b) Accessory Uses and Buildings.
(1) Private accessory automobile garages for each dwelling;
(2) Visitor off-street parking of passenger automobiles;
(3) Private noncommercial swimming pools, recreation areas and facilities intended and used solely by the occupants and their guests;
(4) Private accessory storage and maintenance structures needed for the operation and maintenance of the building and site;
(5) Landscape features, including gardens, fountains, sidewalks, walls, decorative fences, and lawns;
(6) Master radio and television antennas, air conditioning and ventilation equipment, and necessary utility equipment as permitted under this chapter and approved by the Architectural Board of Review; and
(7) One identification or project sign per entrance disclosing the name and address of the development, which shall be approved by the Commission. (Ord. 1976-109. Passed 11-1-76.)

1116.03 AREA REGULATIONS.

Land and buildings shall be designed, improved and maintained only in accordance with the following schedules:

(a) Site Area. The area of a parcel or parcels of land shall contain at least five (5) acres and shall be under common ownership and shall be one sublot.

(b) Distance Between Buildings. The space between buildings shall be at least equal to the height of the higher building, unless otherwise approved by the

Commission and Council.

(c) Density and Floor Area. Not more than six (6) units shall be built per acre, and each dwelling unit in this District shall have a minimum livable floor area of not less than:

		Minimum Livable Floor Area (sq. ft.)	
		Without Den or Family Room	With Den or Family Room
(1)	One (1)bedroom (only with a den or family room)	not permitted	1,200
(2)	Two (2) bedrooms	1,200	1,400
(3)	Three (3) bedrooms	1,400	1,600
(4)	For each additional bedroom, den or family room	200	200

(Ord. 1976-109. Passed 11-1-76.)

1116.04 SITE DEVELOPMENT PLANS.

A preliminary and final Site Development Plan shall be prepared for all improvements within a U-2A District. Site Development Plans shall conform to the standards and criteria of this Chapter and shall be submitted and reviewed in accordance with the provisions of Chapter 1108.

1116.05 HEIGHT REGULATIONS.

(a) The height of any residential or main building shall not exceed twenty-five feet (25').

(b) The height of any accessory building, garage or other structure that is not part of any residential or main building shall not exceed twenty feet (25') in height, unless otherwise approved by the Commission and Council. (Ord. 1976-109. Passed 11-1-76.)

1116.06 SETBACKS.

(a) Setbacks.
  (1) All buildings shall be set back at least fifty feet (50') from a public street.
  (2) Buildings shall be set back twenty-five feet (25') or more from any adjacent lot line.
  (3) Garage entrances shall be set back twenty-five feet (25') or more from a private street.

(b) Use of Setbacks. Required setbacks shall not be used for buildings or structures or recreational facilities, such as tennis courts, parking lots, swimming pools, and the like, unless otherwise approved by the Commission and Council.
(Ord. 1976-109. Passed 11-1-76.)

1116.07 PARKING AND DRIVEWAYS; STREETS.

Parking areas and driveways shall be properly related to the public street and residential buildings so as to promote safety and convenience and to minimize congestion or hazards.

(a) Every planned development in a District shall provide garage space for two vehicles for every living unit and at least one open visitor parking space, not on a public street, for each living unit. Such garage and open visitor parking space shall be at least nine feet (9') by twenty feet (20') per car and shall comply with all of the specifications applicable thereto in this Code and in the Building Code, except as otherwise provided in this Chapter.

(b) Access driveways from public streets shall be limited in number. Such access driveways shall be planned and constructed at locations designed to avoid traffic congestion and hazard, and shall first be approved by the Commission.

(c) All streets in this District to be dedicated to the City shall be constructed in

accordance with the standards established by the Engineer for public streets. Private streets not to be dedicated:

(1) Shall be permanent hard-surfaced pavement sufficient to carry moving van trucks and fire vehicles;
(2) Shall not provide any through traffic between public streets; and
(3) Shall be approved by the Engineer.
(Ord. 1976-109. Passed 11-1-76.)

1116.08 LANDSCAPING AND OPEN SPACE.

In order to ensure the park-like character of the City and to provide environmental amenities to the occupants of the development, land area not covered by buildings, parking areas, drives, sidewalks, plazas, or other hard-surfaced uses shall be developed and maintained in grass or other landscape material, in accordance with the general plan approved by the Commission.

(a) Minimum Area. Open space shall not be less than fifty percent (50%) of the site and may include required setbacks, patios, private gardens, sidewalks, private yards, garage roofs at ground level that are covered with earth and grass, and landscaping or other decorative features.
(b) Required Private Open Space for Residential Uses. Every dwelling unit shall have available to it separate private yards, patios or courts containing at least four-hundred (400) square feet, with screening provided as part of the planned development, so as to ensure adequate privacy, all in accordance with the general plan approved by the Commission. (Ord. 1976-109. Passed 11-1-76.)

1116.09 LIGHTING PLAN.

A lighting plan shall be submitted to the Commission for its approval. Such plan shall be designed to promote the safety of pedestrians and vehicles and the protection of persons and property.

(a) Private Street and Property Lighting. Lighting units on private streets and property shall not exceed fifteen feet (15') in height and shall be so shielded from adjoining residences so as to limit interference with other property.
(b) Public Street Lighting. Public street lighting shall be subject to the approval of the Commission. (Ord. 1976-109. Passed 11-1-76.)

1116.10 BUILDING AND SITE DESIGN STANDARDS.

Buildings, site development and uses shall be designed and arranged so as to provide a unified building complex which will be an asset to the City, to residents and to occupants of the development.

(a) All utilities serving the buildings and site, including electricity, telephone and all supporting equipment therefor, including meters, transformers and the like, shall conform to City ordinances.
(b) All buildings and grounds shall be designed, constructed and maintained as approved in the Site Development Plan. All landscaping, sidewalks, pedestrian plazas, parking areas and building exteriors shall be maintained free of any unsafe, unsightly or blighting condition which deteriorates the appearance, character, safety or value of the City or the surrounding area.
(c) The developers and, after formation, the condominium association, shall make provision for the maintenance, upkeep, and repair of common land, utilities, roofs, walls, driveways, sidewalks, and other areas or facilities under common or joint use, and for the payment of expenses, taxes, and assessments thereon, and shall establish standards for the maintenance and repair of all areas, in accordance with laws applicable to condominium or incorporated association ownership. Such provisions, agreements, easements, and covenants shall be on file with the City, shall conform to all applicable laws regarding housing, zoning, sanitation, safety, and welfare, shall identify the person responsible for repairs and maintenance and shall inform the Building Department of the name of the initial owner or tenant. Thereafter, the condominium association shall keep accurate records of the names

and addresses of each owner of each unit and the name of each tenant in possession and inform the Inspector of Buildings of any change within fifteen (15) days after transfer.

(d) All developments shall be designed and constructed so as to relate to and to improve the character and quality of the surrounding properties and the City. Areas of development not to be occupied by buildings, road pavement, sidewalks, parking areas or recreation facilities shall be retained in their existing wooded state or maintained in landscaping as approved by the Commission. The orientation and construction of buildings and the location of private space and common space should be designed to promote the utmost privacy and individuality of units and to form a unified composition of buildings and space and a variety of perspectives according to sound architectural and planning principles.

(Ord. 1976-109. Passed 11-1-76.)

CHAPTER 1117
U-3 Multi-Family Residential District

1117.01 Use regulations.
1117.02 Yards.
1117.03 Parking facilities.
1117.04 Height and area requirements.
1117.05 Site development plans.

CROSS REFERENCES
Districts established - see P. & Z. 1111.01
Classification of uses - see P. & Z. 1111.02
Senior citizen apartments - see P. & Z. Ch. 1120
Lots - see P. & Z. Ch. 1143
Front yards; building line - see P. & Z. 1145.02
Submission of plans to Architectural Board of Review; fee - see BLDG. 1329.08

1117.01 PERMITTED USES.

Buildings and land shall be used and buildings shall be designed, erected, altered, moved or maintained in a U-3 District only for the uses set forth in this section and the use regulations of this Code.

(a) Main Uses. Multi-family Dwellings.

(b) Accessory Uses. Accessory uses shall be designated and intended to principally serve the apartment residents. Such accessory uses shall be as follows:

(1) Parking.

(2) Car washes, provided that:

A. No washing or detailing activities are conducted outside of the building.

B. There is no advertising or signage associated with the car wash.

C. Washing is by hand only and no automated wash systems are used.

D. The wash area does not exceed six-hundred (600) square feet.

(3) Signs in conformance with Chapter 1141.

1117.01 YARDS.

(a) Side Yards. In a Class U-3 District, each building shall have a side yard on each side of not less than one-half of the height of the building. In the case of a corner lot, the side yard on the street side shall be not less in width than the setback building line shown on the Zone Map for that side of the corner lot.

(b) Rear Yards. Each main building shall have a rear yard of a depth not less than twenty-five feet (25') nor less than the height of the main building. (Ord. 1966-56. Passed 9-19-66.)

1117.02 PARKING FACILITIES.

Indoor parking facilities shall be provided at the rate of space for at least one (1) automobile for each family unit.

Exterior off-street parking space shall be provided at the rate of space for at least one (1) automobile for each family unit. (Ord. 1966-56. Passed 9-19-66.)

1117.03 HEIGHT AND AREA REQUIREMENTS.

(a) Height. Buildings in a Class U-3 District shall have a height of not over forty-five feet (45').

(b) Density and Livable Floor Area. The maximum density shall be eighteen (18) dwelling units per gross acre. The minimum livable floor area required for each family living unit in a Class U-3 District shall be as follows:

Number of Bedrooms in Suite	Livable Floor Space (sq. ft.)
1	825
2	950
3	1,150

1117.04 SITE DEVELOPMENT PLANS.

A preliminary and final Site Development Plan shall be prepared for all types of proposals of developments in a Class U-3 District and submitted to the Commission in accordance with the provisions of Chapter 1108.

CHAPTER 1118
U-3C Planned Multi-Family Residential District

1118.01 Purpose; intent.
1118.02 Establishment of planned multi-family residential districts.
1118.03 Permitted uses.
1118.04 Site development standards.
1118.05 Application and review procedures.

CROSS REFERENCES
Classification of uses - see P. & Z. 1111.02
Signs for residential districts - P. & Z. 1141.13
Permits, fees and deposits - see BLDG. Ch. 1329

1118.01 PURPOSE; INTENT.

(a) The Class U-3C District is created to provide for the establishment of quality higher density multi-family residential developments at strategic locations within the City consistent with the City's overall land use planning principles and community vision. It is the expressed purpose of the Planned Multi-Family Residential District to provide for the establishment of attractive and well-designed residential developments which offer superior quality housing for residents.

(b) It is intended that Planned Multi-Family Residential Districts create additional housing opportunities that provide support for established commercial retail areas and for the City's primary employment centers. It is further intended that Class U-3C Districts encourage creative, high quality site design practices that encourage the efficient use of land and resources, promote harmony and integration with existing developments, protect adjoining properties from adverse impacts, promote safe and efficient pedestrian and vehicular movement, promote efficient layout of infrastructure, and create attractive and useful private spaces.

(Ord. 2011-170. Passed 3-19-12.)

1118.02 ESTABLISHMENT OF PLANNED MULTI-FAMILY RESIDENTIAL DISTRICTS.

The following criteria shall govern the establishment of any Planned Multi-Family Residential District:

(a) No Planned Multi-Family Residential District shall be established except subsequent to an application by the property owner requesting that the land be subject to these special provisions.

(b) The layout shall be designed to create an orderly arrangement compatible with the landscape and topography of the area and with the planning principles of the City.

(c) Each Planned Multi-Family Residential District shall be developed in conformance with an approved final Site Development Plan which has been reviewed and approved in accordance with the provisions set forth herein.

1118.03 PERMITTED USES.

Buildings and land in the Planned Multi-Family Residential District shall be used and buildings shall be designed, erected, altered or intended only for the uses specifically designated herein.

(a) Principal Permitted Uses and Buildings.
  (1) Multi-Family Dwellings.

(b) Accessory Uses.

(1) Private parking garages for the use of residents.
(2) Off-street resident and visitor parking.
(3) Private recreation areas and facilities intended for the exclusive use of residents and their guests.
(4) Accessory structures pursuant to Section 1118.04(1).
(5) Concierge type services intended for the exclusive use of residents which may include a laundry/dry cleaning drop off, car washing services, personal shopping services, fitness facilities, and similar services.
(6) Signs in conformance with the provisions of Section 1141.13.
(Ord. 2011-170. Passed 3-19-12.)

1118.04 DEVELOPMENT STANDARDS.

The following standards and requirements shall apply to all Planned Multi-Family Residential Districts:

(a) Maximum Density. The maximum density of dwelling units shall be as set forth on the approved master development plan provided, however, that the density of the entire Development Area shall not exceed sixty (60) dwelling units per gross acre of land in the Planned Multi-Family Residential District.

(b) Maximum Building Ground Coverage. The maximum building ground coverage shall not exceed sixty percent (60%) of the total area of the Planned Multi-Family Residential District.

(c) Maximum Building Height. Buildings within a Planned Multi-Family Residential District shall not exceed sixty-five feet (65') in height. For projects with frontage on more than one (1) street the height shall be measured on the facade facing the main street on which the building has frontage, as determined by the Commission.

(d) Setbacks and Separations. Building setbacks and separations shall be established on the approved final Site Development Plan. In establishing said separations Commission shall consider the spacing necessary for adequate visual and acoustical privacy, adequate light and air, fire and emergency access, building configurations, energy-efficient siting, and the relationships of building sites to circulation patterns. In no instance shall the established setbacks and/or separations be less than the following:
(1) No building shall be located closer than forty feet (40') to the right-of-way line of a public street.
(2) No building or structure shall be located closer than thirty feet (30') to any perimeter property line of the Planned Multi-Family Residential District.
(3) The minimum wall to wall distance between apartment buildings within a Planned Multi-Family Residential District shall be thirty feet (30').
(4) No parking area shall be located closer than ten feet (10') to the right-of-way line of a public street.
(5) No private driveway shall be located closer than ten feet (10') to any perimeter property line of the Planned Multi-Family Residential District.

(e) Minimum Dwelling Unit Area. The minimum dwelling unit areas shall be in conformance with the following standards:

(1)	Studio Units	600 square feet
(2)	One (1) Bedroom Units	700 square feet
(3)	Two (2) Bedroom Units	850 square feet
(4)	Three (3) Bedroom Units	1000 square feet

The combined total of Studio and One Bedroom Units shall not exceed fifty percent (50%) of the total number of dwelling units of any Planned Multi-Family Residential project.

(f) Access and Street Requirements.
(1) Access drives to Planned Multi-Family Residential Districts shall be located at least two hundred feet (200') from the nearest intersecting street right-of-way.
(2) All private drives within a Planned Multi-Family Residential District shall

have a minimum pavement width of twenty-four feet (24').

(3) Planned Multi-Family Residential District shall be designed to minimize the number of access points onto public streets.

(4) Planned Multi-Family Residential District shall be designed to permit adequate access by emergency vehicles, promote the safety of motorists and pedestrians, minimize traffic conflicts and congestion, and promote the safe, efficient flow of vehicular traffic.

(g) Parking. Each Planned Multi-Family Residential District shall provide a minimum of one and one-half (1.5) parking spaces per dwelling unit. Exterior parking spaces shall be a minimum of one-hundred-eighty (180) square feet in area. Enclosed parking spaces shall be a minimum of one-hundred-seventy (170) square feet in area. Charging stations for electric powered vehicles may be permitted within parking garages and shall be of sufficient size to adequately accommodate the vehicles.

(h) Open Space Requirements.

(1) Open space areas shall be as set forth on the final approved development plan provided, however, that open space shall be located and designed to be integrally related to the overall design of the development.

(2) In any Planned Multi-Family Residential District, the total open space area shall not be less than thirty percent (30%) of the gross acreage of the entire Planned Multi-Family Residential District.

(3) Land areas devoted to driveways and parking shall not be included in the calculation of open space for the purpose of meeting the minimum open space area requirement. Walkways, paths, patios, pools, and recreational facilities may be counted as open space.

(i) Landscaping. All disturbed areas within a Planned Multi-Family Residential District which are not covered by permitted structures or pavement shall be landscaped with grass, trees, shrubbery, and other appropriate ground cover or landscaping materials. All landscaping shall be in conformance with the approved landscaping plan for the development. Trees and shrubs shall be planted so as not to obstruct the views of drivers at driveway entrances and/or street intersections.

(j) Storm Drainage Provisions. Each Planned Multi-Family Residential District shall include provisions for a storm drainage system designed and constructed by the developer in accordance with the requirements of the Engineer.

(k) Utilities. All utilities shall be located underground, except that utility appurtenances may be constructed above-ground as approved by the City as part of the development plan approval.

(1) Water lines and appurtenances shall be designed and installed in conformance with the requirements of the City and the City of Cleveland Division of Water.

(2) Sanitary sewer lines and appurtenances shall be designed and installed in conformance with the requirements of the City and the Northeast Ohio Regional Sewer District.

(3) Site lighting shall be in accordance with the requirements of the Commission and shall be shown on the Site Development Plan.

(l) Accessory Structures. Decorative and ornamental fences and/or walls, pools, patios, fountains, and similar structures shall be permitted and located only as specifically authorized by the Commission as part of the Site Development Plan approval.

(m) Building Service Facilities. Delivery and refuse removal areas shall be screened or located within enclosed service areas as approved by the Commission.

(n) Building And Site Design Standards. Buildings and site improvements shall be designed and arranged so as to provide a unified building complex which will be an asset to the City, to residents and to occupants of the development.

(Ord. 2011-170. Passed 3-19-12.)

1118.05 APPLICATION AND REVIEW PROCEDURES.

Applications for a map amendment for a Planned Multi-Family Residential District shall be submitted for review and approval in accordance with the provisions of Section 1107.01. Applications for rezoning to the Planned Multi-Family Residential District shall be accompanied by and pursuant to a Site Development Plan conforming to the requirements of and approved in accordance with the provisions of Chapter 1108.

CHAPTER 1119
U-3A High-Rise Apartment District

1119.01 Permitted uses.
1119.02 Definition of area and height regulations.
1119.03 Schedule of area and height regulations.
1119.04 Land planning.

CROSS REFERENCES
Districts established - see P. & Z. 1111.01
Classification of uses - see P. & Z. 1111. 02
Senior citizen apartments - see P. & Z. Ch. 1120
Lots - see P. & Z. Ch. 1143
Yards and building lines - see P. & Z. Ch. 1145
Building permits, fees and deposits - see BLDG. Ch. 1329
Submission of plans to Architectural Board of Review; fee see - BLDG. 1329.08

1119.01 PERMITTED USES.

Buildings and land shall be used and buildings shall be designed, erected, altered, moved or maintained in a U-3A District only for the uses set forth in this section and the use regulations of this Code.

(a) Main Uses. Multi-Family Dwellings.

(b) Accessory Uses. Accessory uses shall be designed and intended to principally serve the apartment residents. Except for car washes as provided in subsection (b)(5) hereof, all accessory uses shall be centralized in one building as adjoining uses apart from residential areas. No such accessory use other than parking facilities and enclosed garages shall exceed 1,800 square feet in size. Such accessory uses shall be as follows:

(1) Snack bars and coffee shops;

(2) Automobile parking facilities and enclosed garages;

(3) Personal services, limited to barber shops, beauty shops, laundries, cleaners, pharmacies, convenience groceries, florists, restaurants, and/or coffee shops, retail specialty stores, and other similar services as approved by the Commission and confirmed by Council;

(4) Health and recreation facilities, such as swimming pools, tennis courts, and exercise rooms.

(5) Car washes provided that:

A. No washing or detailing activities are conducted outside of the building.

B. There is no advertising or signage associated with the car wash.

C. Washing is by hand only and no automated wash systems are used.

D. The wash area does not exceed six-hundred (600) square feet.

(c) Building Service Facilities. Delivery and refuse removal areas shall be screened or located within enclosed service areas as approved by the Commission.

(d) Wireless Communication Facilities. Wireless telecommunications facilities shall be subject to the following provisions:

(1) Wireless telecommunications facilities shall only be permitted as an accessory use provided such facilities are located on the roof of the building containing the principal permitted use. Antennas may be mounted on the walls of a penthouse, except where the exterior wall of the penthouse is flush with the exterior wall of the building. Antennas, other than dipole or omni-directional antennas, which are mounted on a penthouse shall not extend above the penthouse and shall be screened with panels or other screening devices designed to match the appearance of the

penthouse wall and reduce visibility.

(2) Wireless telecommunications antennas, including dipole antennas over two inches (2") in diameter, and support structures mounted directly on the roof shall not extend higher than twenty feet (20') above the roof and shall be set back from the parapet or roof edge a minimum of one foot (1') for each one foot (1') in elevation above the top of the parapet. Dipole antennas which are two inches (2") or less in diameter may be attached to the rear (inside) of the parapet wall provided such antennas do not extend more than three feet (3') above the top of said parapet wall. All such antennas shall be colored to minimize visibility.

(3) Roof mounted wireless telecommunications facilities shall be designed to withstand wind loads per the Ohio Building Code.

(4) Where wireless telecommunications facilities are proposed to be located on a building where such facilities already exist, the applicant shall provide assurances that the proposed facilities will not interfere with the receipt or transmission of signals by the existing facilities.

(5) Equipment cabinets, switching equipment, cables, and other devices associated with wireless telecommunications facilities which are located on roofs shall be screened from view from public rights of way and from apartment units in adjoining buildings.

(6) A building permit shall be required for the installation of each wireless communications facility. The building permit fee for wireless communications facilities shall be as set forth in Section 1329.03.

(7) The Building Commissioner may, where it is determined that proposed wireless telecommunications facilities comply with all of the criteria set forth herein, issue a permit for the installation of such facilities without referral to the Commission; otherwise applications for wireless telecommunications facilities shall be referred to the Commission for consideration.

1119.02 DEFINITION OF AREA AND HEIGHT REGULATIONS.

The various area and height regulations of the area to be developed are defined in this section and scheduled in the following section.

(a) Development Area. "Development Area" means the minimum area to be constructed by a single owner or owners or group of owners of a parcel or assembled parcels, acting jointly, involving a related group of multiple-family dwellings, planned and developed as an entity, in order to qualify under the planning development provisions.

(b) Land Area Per Dwelling Unit. "Land Area Per Dwelling Unit" means the minimum area required within a Development Area for each dwelling unit in order to qualify for such provisions.

(c) Gross Floor Area of Dwelling Unit. The minimum gross area of all the floors of a dwelling unit, the whole area of garages and one-half (.5) the area of balconies, porches and other open areas within parts of the building may be excluded from the gross area.

(d) Building Coverage. "Building Coverage" means the maximum ratio of the ground floor area of the dwelling or apartment buildings to the lot area. Garage roofs, if below grade and landscaped or if developed as a terrace or similar landscape feature, may be excluded from the ground floor building area for this purpose.

(e) Maximum Height. "Maximum Height" refers to the height to which any main building may be constructed above the designed finished grade.

(Ord. 1977-18. Passed 3-21-77.)

1119.03 SCHEDULE OF AREA AND HEIGHT REGULATIONS.

Land and buildings shall be used in a U-3A District and buildings shall be designed, erected, altered, moved or maintained in such District in accordance with the following schedule:

(a) Maximum Density is thirty (30) Dwelling Units Per Acre

(b) Gross area of dwelling unit as follows:

Minimum Apartment Unit Size	Minimum Area (sq. ft.)
1 bedroom unit (there shall be not more than fifty percent (50%) of the units in this category)	725
2 bedroom unit	875
3 bedroom unit	1,050
4 bedroom unit	1,375

Efficiency units are prohibited

(c) Building coverage exclusive of parking facilities 25%

(d) Height of main buildings: buildings shall be limited to one hundred feet (100') in height, exclusive of penthouses, cornices or similar features.

1119.04 LAND PLANNING.

The following criteria shall guide the Site Development Planning of a Development Area:

(a) Site Data. Buildings shall be arranged so that the distance from any building to any boundary line of a Development Area shall be not less than eighty feet (80').

(1) Parking structures and facilities shall be set back from any side or rear lot line at least ten feet (10'). However, parking structures and facilities, where abutting any land zoned from U-1 (A-1 or A-2) or U-2A, shall require forty feet (40') of buffering with appropriate landscape screening as required by the Commission. No off-street parking shall be permitted within the front yard setback.

(2) Services to the building shall be provided by separate drives to service areas which shall be separate from pedestrian and vehicular circulation routes.

(3) Parking shall be provided at the rate of at least two (2) spaces per dwelling unit with a minimum of one (1) space per dwelling unit in underground facilities at an elevation low enough so that the roof will be covered and planted with trees, shrubs or ground cover, except that a roof slab may be incorporated into paved terraces or pool areas. Garage walls shall not be exposed unless they are a part of the approved landscape design.

(4) Outside parking facilities may be open if provided with walkways and islands for trees and other landscape planning. Such facilities shall not be closer than twenty feet (20') to the main residence building.

(5) When access roads or driveways are provided of twenty-six feet (26') in width (curb to curb) or more, one side of the road or driveway to the limit of nine feet (9') from the curb may be computed in the required parking for the development.

(Ord. 1977-18. Passed 21-77.)

(b) Landscaping. Land areas not occupied by buildings, parking or drives shall be left in a natural state or developed and maintained in grass and other landscaped material, in accordance with the development plan approved by the Commission. No less than twenty percent (20%) of the site shall be landscaping or open space.

(c) Site Development Plans shall be provided in conformance with the provisions of Chapter 1108.

CHAPTER 1121
U-4A Integrated Business District

1121.01 Intent.
1121.02 Permitted uses.
1121.03 Area, yard and height regulations.
1121.04 Off-street parking and loading facilities.
1121.05 Site development plans.

CROSS REFERENCES
Districts established - see P. & Z. 1111.01
Building lines - see P. & Z. 1145.02
Nonconforming uses - see P. & Z. Ch. 1147
Certificates of occupancy - see BLDG. Ch. 1313
Building permits, fees and deposits - see BLDG. Ch. 1329

1121.01 INTENT.

It is the intent of this Chapter (Class U-4A Districts) to provide for the grouping of local retail shops and services in designated areas near residential neighborhoods primarily for the ordinary shopping needs of a daily and weekly nature, as well as for some of those establishments usually associated with such shopping; to protect both residential and business developments from congestion by requiring off-street parking and loading facilities; and to provide for indoor recreation and athletic facilities located to protect both residential and business developments from traffic congestion. (Ord. 1980-67. Passed 9-8-80.)

1121.02 PERMITTED USES.

(a) Buildings and land in a Class U-4A District shall be used and buildings shall be designed, created, altered or intended only for the uses specifically designated as Class U-4A uses in Section 1111.02, except that other similar harmonious and compatible uses as may be determined by the Commission and approved by Council may be permitted.

(b) Accessory uses customarily incident to the main uses listed above shall be permitted provided they are planned and developed in connection with the main building. Such accessory uses among those permitted under this section shall include:
  (1) Parking garages and off-street parking and loading areas for employees and customers as provided in this chapter.
  (2) Maintenance, storage and incineration facilities provided the incinerator is located within the main building and conforms to the regulations of Part III, Sections 3.1 to 3.13, inclusive, Bulletin 82 of the American Insurance Association.
  (3) All solid waste collection, compaction, storage or container facilities shall be located within the main building and physically separated from other uses by a wall or similar partition.

1121.03 AREA, YARD AND HEIGHT REGULATIONS.

(a) Area.
  (1) The ground area occupied by the building shall not exceed thirty percent (30%) of the total area of the lot.
  (2) Not less than fifteen percent (15%) of the total lot area shall be developed

as planted areas in accordance with a landscape plan as approved by Commission and shall be maintained in good condition.

(3) The minimum lot width at the building setback line shall be one-hundred-fifty feet (150').

(b) Yards.

(1) A front yard of not less than one hundred feet (100') shall be provided.

(2) Where adjoining a residential District, a side yard shall not be less than fifty feet (50'), nor less than twenty-five feet (25') where adjoining a public street. Within a U-4A District, side yards shall be not less than twenty-five feet (25').

(3) Where adjoining a residential District, the rear yard shall not be less than fifty feet (50'). In all other locations, the rear yard shall be not less than twenty-five feet (25').

(4) The Commission shall require, from each applicant for its approval, a landscape plan depicting the design of the installation of a fence, wall, hedge and/or other suitable screening and/or planting in order to create a buffer area where a residential District adjoins or abuts a rear or side yard of a lot in a U-4A District.

(c) Off-Street Parking and Loading in Yards. Accessory off-street parking in a front yard shall be permitted no closer than ten feet (10') from a street line. Accessory off-street loading spaces in a front yard shall be permitted no closer than fifty feet (50') from a street line.

(1) Accessory off-street parking and driveways in a side or rear yard shall be permitted no closer than ten feet (10') from a property line or thirty feet (30') from a residential District line. Accessory off-street loading in a side or rear yard shall be permitted no closer than fifteen feet (15') from a property line or fifty feet (50') from a residential District line.

2) All portions of required yards in which no off-street parking or driveways are permitted shall be developed as lawn or planted areas or maintained in an orderly wooded state.

(d) Height. Building height shall not exceed forty-two feet (42'), exclusive of towers, cornices or similar features, provided however, that any building exceeding twenty-five (25) feet in height shall be located a minimum of seventy-five (75) feet from any property zoned U-1.

1121.04 OFF-STREET PARKING AND LOADING FACILITIES.

Off-street parking and loading facilities shall be provided in accordance with Chapter 1144.

1121.05 SITE DEVELOPMENT PLANS.

Preliminary and final Site Development Plans are required and shall be prepared for all proposed developments in a Class U-4A District. Site Development Plans shall be prepared and reviewed in accordance with the provisions of Chapter 1108.

CHAPTER 1123
U-4B Shopping Center District

1123.01 Intent.
1123.02 Permitted uses.
1123.03 Area, yard and height regulations.
1123.04 Off-street parking and loading facilities.
1123.05 Site development plans.
1123.06 Illumination.
1123.07 Access.

CROSS REFERENCES
Districts established - see P . & Z . 1111.01
Classification of uses - see P. & Z. 1111.02
Lot requirements for issuance of building permits - see P. & Z. 1143.04
Certificates of occupancy - see BLDG. Ch. 1313
Submission of plans to Architectural Board of Review; fee - see BLDG. 1329.08

1123.01 INTENT.

This Chapter (Class U-4B District) is established to provide regulations for a regional scale fashion shopping center designed in a cohesive fashion, requiring large amounts of land, involving uses generating large volumes of traffic, and serving the shopping needs of the region extending beyond the boundaries of the City. General retail businesses, shops and offices providing services are permitted in this District only as part of a unified site design which incorporates an enclosed mall, and further provided that such uses are consistent with the fashion character of the center.
(Ord. 2013-82. Passed 11-18-13.)

1123.02 PERMITTED USES.

Buildings and land in a Class U-4B District shall be designed, created, used, altered, and intended only as a unified and cohesive shopping center which shall include an interior sheltered walk or promenade that provides access to a variety of retail stores, restaurants, and service uses. Permitted uses shall be consistent with the fashion character of the center and may include the following provided that under no circumstances shall the percentage of space dedicated to retail sales be less than fifty percent (50%) of the total floor area:

(a) Retail Stores;
(b) Personal Services;
(c) Restaurants;
(d) Offices;
(e) Medical facilities including clinics and urgent care facilities, but excluding facilities with patient beds for overnight stays with a Conditional Use permit;
(f) Hotels, which may be freestanding or attached to the main building with a Conditional Use Permit;
(g) Fitness Centers with a Conditional Use Permit;
(h) Multi-Family Dwellings with a Conditional Use Permit and provided that no Multi-Family Dwellings shall be located in the main mall building except above the retail store levels;
(i) Free-standing restaurants and outdoor dining areas may be approved with a Conditional Use Permit provided that they are consistent in style with the fashion character of the mall, are designed and oriented to be compatible with the overall design of the mall and further provided that there shall be no drive-thru or drive-up facilities. Curbside pickup may be permitted provided that the number and

location of spaces dedicated for such pickup are approved by the Commission as part of the Conditional Use Permit approval; and

(j) Accessory uses including parking garages, parking lots, truck loading and delivery areas, signs, and solid waste collection, compaction, and storage facilities.

(Ord. 2013-82. Passed 11-18-13.)

1123.03 AREA, YARD AND HEIGHT REGULATIONS.

(a) Area.

(1) The ground area occupied by buildings, exclusive of parking decks, shall not exceed thirty percent (30%) of the total area of the development.

(2) At least fifteen percent (15%) of the total area of the development shall be developed as planted or landscaped area.

(b) Yards.

(1) The main mall building and other freestanding buildings, except as provided in Subsection 4 hereof, shall be setback a minimum of two hundred feet (200') from the right-of-way line of any public street.

(2) Free-standing restaurants not exceeding 10,000 square feet in gross floor area and twenty-five feet (25') in height may be located closer than two hundred feet (200') but not less than one hundred feet (100') from any street right-of way.

(3) The main mall building and other freestanding buildings, except as provided in Subsection 4 hereof, shall be setback a minimum of one hundred feet (100') from any adjacent side or rear property line.

(4) Free-standing restaurants shall be setback a minimum of fifty feet (50') from any adjacent side or rear property line.

(5) Parking spaces shall be setback a minimum of thirty feet (30') from the right-of-way lines of Cedar Road and George Zeiger Drive.

(6) Parking spaces shall be setback a minimum of sixty feet (60') from the right-of-way line of Richmond Road.

(7) Parking spaces shall be setback a minimum of twenty feet (20') from any adjacent side or rear property line. This requirement may be waived by Commission where there are shared access and parking easements.

(8) Required setbacks shall be improved with landscaping which may include the installation of fences, walls, hedges, mounding, or other treatments as approved to create visual appeal and provide screening or buffering as appropriate.

(c) Height. The height of buildings shall not exceed one hundred feet (100') exclusive of towers, cornices, and decorative architectural features.

(Ord. 2013-82. Passed 11-18-13.)

1123.04 OFF-STREET PARKING AND LOADING FACILITIES.

Off-street parking and loading facilities shall be provided in conformance with the provisions of Chapter 1144.

1123.05 SITE DEVELOPMENT PLANS.

Preliminary and final Site Development Plans are required and shall be prepared for all proposed developments in a Class U-4B District. Site development plans shall be prepared and reviewed in accordance with the provisions of Chapter 1108.

1123.06 ILLUMINATION.

Sources of light for illumination of buildings and grounds shall be shielded so that the light source is not directly visible from residential property and light spillage at the property line

shall not be greater than 0.1 foot candles and shall be installed in conformance with a lighting plan approved by the Commission.
(Ord. 2013-82. Passed 11-18-13.)

1123.07 ACCESS.

Direct vehicular access to the mall development from a public right-of-way shall only be from Cedar Road and George Zeiger Drive.
(Ord. 2013-82. Passed 11-18-13.)

CHAPTER 1124
U-5 Public and Institutional

1124.01 Intent.
1124.02 Permitted uses.
1124.03 Lot dimensions.
1124.04 Area, yard and height regulations.
1124.05 Landscaping and screening.
1124.06 Off-street parking and loading facilities.
1124.07 Site lighting.
1124.08 Wireless telecommunications facilities.
1124.09 Site development plans.
1124.10 Rezoning.

CROSS REFERENCES
Adult Day Care Centers - see P. & Z.1155.03
Child day care centers - see P. & Z.1155.02
Signs - see P. & Z. Ch. 1141

1124.01 INTENT.

This Chapter is established to provide appropriate regulations for the operation, expansion, and maintenance of existing educational, religious, cultural, and governmental uses, and to provide for the development of institutional uses which serve the needs of the residents of the City in a manner consistent with the overall land use and zoning plan of the City; compatible and harmonious with established residential neighborhoods; and designed to minimize impacts on adjacent properties.
(Ord. 1997-112. Passed 1-6-98.)

1124.02 PERMITTED USES.

(a) Buildings and land in a Class U-5 District shall be used and buildings shall be designed, altered, moved, or intended only for the uses specifically designated as Class U-5 uses in Section 1111.02.

(b) The following accessory uses shall be permitted provided such uses are incidental and subordinate to a principal use listed in Section 1111.02, and further provided that such accessory uses are planned and developed in connection with said principal use:
(1) Child Day Care Centers subject to Section 1155.02.
(2) Adult Day Care Centers subject to Section 1155.03.
(3) Parking Facilities.
(4) Assisted Living Facilities provided such facilities are operated in conjunction with a licensed nursing home.
(5) Wireless Telecommunication Facilities subject to Section 1124.09.
(6) Signs subject to Chapter 1141.
(7) Satellite dish antennas subject to Chapter 1153.
(Ord. 1997-112. Passed 1-6-98.)

1124.03 LOT DIMENSIONS.

The minimum area of any U-5 District shall be three (3) acres and the minimum street frontage shall be two hundred fifty feet (250').
(Ord. 1997-112. Passed 1-6-98.)

1124.04 AREA, YARD AND HEIGHT REGULATIONS.

(a) Area Regulations. The ground area occupied by buildings shall not exceed

twenty-five percent (25%) of the total area of the lot. Provided, however, that the maximum ground area covered by buildings may be increased to thirty percent (30%) of the total site area with the approval of Commission and the consent of Council in instances where structured parking is provided within two hundred feet (200) of the principal use. Not less than twenty-five percent (25%) of the total lot area shall be developed as planted areas.

(b) Yard Regulations.

(1) Front. The front setback shall not be less than seventy-five feet (75') in depth as measured from the street right-of-way line and shall be used only for access drives and landscaping.

(2) Side and Rear. Each lot shall have side and rear yards each of which shall be not less than fifty feet (50'). Any side or rear yard which abuts a residential District shall be a minimum of eighty feet (80'). No buildings, drives or parking areas shall be located within the required side or rear yards.

(c) Height Regulations. Height of buildings shall not exceed two (2) stories or forty feet (40') exclusive of towers, steeples, cornices, or similar features as approved by the Commission with the concurrence of Council.
(Ord. 2012-166. Passed 2-4-13.)

1124.05 LANDSCAPING AND SCREENING.

(a) Whenever a U-5 District is located adjacent to a residential District, it shall be effectively screened on all sides which adjoin or face residentially zoned property by an acceptably designed wall, fence, mound, or planting screen. Such wall, fence, mound or planting screen shall be not less than six feet (6') in height and shall be maintained in good condition.

(b) Required yard areas shall be landscaped in accordance with a landscape plan as approved by the Commission and shall be maintained in good condition.

(c) Dumpsters and/or garbage collection facilities shall be enclosed by a solid wall or fence at least six feet (6') in height and constructed of materials which are compatible in type, texture, style, and color with the main building.

(d) All buildings shall have appropriate foundation plantings, installed in conformance with an approved landscape plan, which complement the architectural treatment and provide for year round interest.
(Ord. 1997-112. Passed 1-6-98.)

1124.06 OFF-STREET PARKING AND LOADING FACILITIES.

Off-street parking and loading facilities shall be provided in conformance with Chapter 1144.

1124.07 SITE LIGHTING.

Parking areas and walkways which are intended to be used during non-daylight hours shall be properly illuminated to adequately provide for safety. Lights shall be so designed and arranged as to direct light away from the adjoining property and shall be installed in conformance with a lighting plan approved by the Commission. There shall be no light spillage onto adjoining properties. Light poles shall not extend more than thirty feet (30') in height above the finished grade of the parking area or walkway.
(Ord. 1997-112. Passed 1-6-98.)

1124.08 WIRELESS TELECOMMUNICATIONS FACILITIES.

(a) For the purpose of this Chapter the following terms shall have the meanings set forth below:
(1) "Wireless Telecommunications Facilities" means equipment and structures involved in receiving telecommunications or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with land-based telephone lines.
(2) "Antenna" means the physical device through which electromagnetic, wireless telecommunications signals authorized by the Federal Communications Commission are transmitted or received.

(b) Wireless telecommunications facilities shall only be permitted as an accessory use provided such facilities are located on the roof of the building containing the principal permitted use. Antennas may be mounted on the walls of a penthouse, except, where the exterior wall of the penthouse is flush with the exterior wall of the building. Antennas, other than dipole or omni-directional antennas which are mounted on a penthouse, shall not extend above the penthouse and shall be screened with panels, or other screening devices designed to match the appearance of the penthouse wall and reduce visibility.

(c) Wireless telecommunications antennas, including dipole antennas over two inches (2") in diameter, and support structures mounted directly on the roof shall not extend higher than twenty feet (20') above the roof and shall be setback from the parapet or roof edge a minimum of one foot (1') for each one foot (1') in elevation above the top of the parapet. Dipole antennas which are two inches (2") or less in diameter may be attached to the rear (inside) of the parapet wall provided such antennas do not extend more than three feet (3') above the top of said parapet wall. All such antennas shall be colored to minimize visibility.

(d) Roof mounted wireless telecommunications facilities shall be designed to withstand wind loads of ninety (90) miles per hour.

(e) Where wireless telecommunications facilities are proposed to be located on a building where such facilities already exist, the applicant shall provide assurances that the proposed facilities will not interfere with the receipt or transmission of signals by the existing facilities.

(f) Equipment cabinets, switching equipment, cables, and other devices associated with wireless telecommunications facilities which are located on roofs shall be screened from view from the public right-of-way.

(g) A building permit shall be required for the installation of each wireless communications facility. The building permit fee for wireless communications facilities shall be as set forth in Section 1329.03.

(h) The Building Commissioner may, where it is determined that proposed wireless telecommunications facilities comply with all of the criteria set forth herein, issue a permit for the installation of such facilities without referral to the Commission, otherwise applications for wireless telecommunications facilities shall be referred to the Commission for consideration.

(Ord. 1997-112. Passed 1-6-98.)

1124.09 SITE DEVELOPMENT PLANS.

Preliminary and Final Site Development Plans are required and shall be prepared for all proposed developments in a Class U-5 District. Site Development Plans shall be prepared and reviewed in accordance with the provisions of Chapter 1108.

1124.10 REZONING.

In order to protect established single family residential neighborhoods, to preserve the single family residential character of the City, and to otherwise carry out the purposes of this Code, no land shall be rezoned from a Class U-1 Single-Family House District to a Class U-5 Public and Institutional District where such rezoning involves the consolidation of existing single family lots and/or the demolition, destruction, or removal of existing single family residences.

(Ord. 1997-112. Passed 1-6-98.)

CHAPTER 1127
U-7A General Office Building District

1127.01 Intent.
1127.02 Permitted uses.
1127.03 Area, yard and height regulations.
1127.04 Off-street parking and loading facilities.
1127.05 Site development plans.

CROSS REFERENCES
Districts established - see P. & Z. 1111.01
Classification of uses - see P. & Z. 1111.02
Lot requirements for issuance of building permit - see P. & Z. 1143.04
Building lines - see P. & Z. 1145.02
Certificates of occupancy - see BLDG. Ch. 1313
Submission of plans to Architectural Board of Review; fee - see BLDG . 1329.08

1127.01 INTENT.

It is the intent of this Chapter (Class U-7A Districts) to provide for buildings in areas near residential neighborhoods of such types as do not create large volumes of pedestrian and vehicular traffic, nor excessive noise, to provide employment opportunities, to provided medical services for nearby residential neighborhoods and to permit limited commercial development on parcels not considered appropriate for more intensive commercial uses. (Ord. 1966-96. Passed 9-19-66.)

1127.02 PERMITTED USES.

Buildings and land in a Class U-7A District shall be used and buildings shall be designed, created, altered or intended only for the uses specifically designated as Class U-7A uses in Section 1111.02, except that other similar harmonious and compatible uses, as may be determined by the Commission and approved by Council, may be permitted. Accessory uses customarily incident to the main uses listed above shall be permitted, provided they are planned and developed integrally with the main building and provided further that in no event shall any one accessory use or any combination of accessory uses as hereinafter set forth in subsection (a) exceed a total of twenty percent (20%) of the maximum gross square footage of the floor area of the main building. Such accessory uses among those permitted under this section shall include:

(a) The sale of drugs; the sale, serving and consumption of food, soft drinks, juices, or ice cream at such places as lunch rooms, restaurant and florist shop.

(b) Parking garages; off-street parking areas for employees and customers as provided in other sections of this chapter.

(c) Maintenance and storage facilities within enclosed buildings or fenced areas.

(d) Wireless telecommunications facilities subject to the following provisions:

(1) Wireless telecommunications facilities shall only be permitted as an accessory use provided such facilities are located on the roof of the building containing the principal permitted use. Antennas may be mounted on the walls of a penthouse, except where the exterior wall of the penthouse is flush with the exterior wall of the building. Antennas, other than dipole or omni-directional antennas, which are mounted on a penthouse shall not extend above the penthouse and shall be screened with panels or other screening devices designed to match the appearance of the penthouse wall and reduce visibility.

(2) Wireless telecommunications antennas, including dipole antennas over two inches (2”) in diameter, and support structures mounted directly on the roof shall not extend higher than twenty feet (20’) above the roof and

shall be set back from the parapet or roof edge a minimum of one foot (1') for each one foot (1') in elevation above the top of the parapet. Dipole antennas which are two inches (2") or less in diameter may be attached to the rear (inside) of the parapet wall provided such antennas do not extend more than three feet (3') above the top of said parapet wall. All such antennas shall be colored to minimize visibility.

(3) Roof mounted wireless telecommunications facilities shall be designed to withstand wind loads of ninety (90) miles per hour.

(4) Where wireless telecommunications facilities are proposed to be located on a building where such facilities already exist, the applicant shall provide assurances that the proposed facilities will not interfere with the receipt or transmission of signals by the existing facilities.

(5) Equipment cabinets, switching equipment, cables, and other devices associated with wireless telecommunications facilities which are located on roofs shall be screened from view from the public right-of-way.

(6) A building permit shall be required for the installation of each wireless communications facility. The building permit fee for wireless communications facilities shall be as set forth in Section 1329.03.

(7) The Building Commissioner may, where it is determined that proposed wireless telecommunications facilities comply with all of the criteria set forth herein, issue a permit for the installation of such facilities without referral to the Commission, otherwise applications for wireless telecommunications facilities shall be referred to the Commission for consideration.

(e) Satellite dish antennas subject to Chapter 1153.

(f) Car washes provided that:

(1) No washing or detailing activities are conducted outside of the building.

(2) There is no advertising or signage associated with the car wash.

(3) Washing is by hand only and no automated wash systems are used.

(4) The wash area does not exceed six-hundred (600) square feet.

(Ord. 1998-41. Passed 4-20-98.)

1127.03 AREA, YARD AND HEIGHT REGULATIONS.

(a) Area Regulations. The area of a lot occupied by a main use shall be a minimum of one (1) acre (43,560 square feet), with a minimum frontage width of one hundred fifty feet (150') at the street line. The ground area occupied by the buildings shall not exceed twenty percent (20%) of the total area of the lot.

(b) Yard Regulations.

(1) Front yard. Every lot or parcel shall provide a front yard of not less than seventy-five feet (75'), except where the depth of such lot or parcel is two hundred feet (200') or less, in which case a front yard of not less than twenty feet (20') may be permitted upon application to and approval by the Commission and the consent of Council.

(2) Side yard. Except where a party wall is permitted, two (2) side yards are required. Each side yard shall be at least equal to the height of the building and in no case less than ten feet (10'), except that no side yard shall be less than twelve and one-half percent (12.5%) of the width of the lot. However, where adjoining a residential District, a side yard shall not be less than fifty feet (50').

(3) Rear yard. Where adjoining a residential District, the rear yard shall be not less than fifty feet (50'). In all other locations, the rear yard shall be not less than twenty-five feet (25').

(4) Landscaping. Not less than five percent (5%) of the total land area, exclusive of the side yards, shall be developed as lawn or planted areas, or be maintained in an orderly wooded state, and in addition thereto, all

portions of required yards in which no off-street parking is permitted, shall be developed as lawn or planted areas or maintained in an orderly wooded state.

(5) Screening or Planting. The Commission shall require, from each applicant for its approval, a plan depicting the design of the installation of a fence, wall, hedge, mound or other suitable screening or planting in order to create a buffer area where a U-7A District adjoins or abuts a rear or side yard or is across a street from a residential district.

(c) Use of Yard for Accessory Parking. Accessory off-street parking in a front yard shall be permitted no closer than ten feet (10') from a property line. Accessory off-street parking, including driveways, in a side yard or rear yard shall be permitted no closer than ten feet (10') from a property line or thirty feet (30') from a residential district line.
(Ord. 1970-129. Passed 12-21-70; Ord. 1981-39. Passed 5-4-81.)

(d) Height Regulations. Buildings shall not exceed forty-two feet (42'), exclusive of towers, cornices or similar decorative features. (Ord. 2007-139. Passed 4-7-08.)

(e) Other Conditions. Such other conditions or requirements may be imposed by the Commission as may be necessary to provide for the protection of the public peace, health, safety, and welfare, and to insure a development which will not adversely affect the use and development of neighboring property.
(Ord. 1970-129. Passed 12-21-70; Ord. 1981-39. Passed 5-4-81.)

1127.04 OFF-STREET PARKING AND LOADING FACILITIES.

Off-street parking and loading facilities shall be provided in conformance with Chapter 1144.

1127.05 SITE DEVELOPMENT PLANS.

Preliminary and final Site Development Plans shall be prepared for all types of proposed developments in a Class U-7A District and submitted to the Commission in accordance with the provisions of Chapter 1108.

CHAPTER 1129
U-8 Industrial and Office Mixed-Use District

1129.01 Purpose and intent.
1129.02 Permitted uses.
1129.03 Area, yard and height regulations.
1129.04 Special redevelopment overlay provisions.
1129.05 Off-street parking and loading facilities.
1129.06 Site lighting.
1129.07 Performance standards.
1129.08 Site development plans.

CROSS REFERENCES
Districts established - see P. & Z. 1111.01
Classification of uses - see P. & Z. 1111.02
Lot requirements for issuance of building permit - see P. & Z. 1143.04
Building lines - see P. & Z. 1145.02
Certificates of occupancy - see BLDG. Ch. 1313

1129.01 PURPOSE AND INTENT.

It is the intent of this Chapter (Class U-8 District) to provide for and encourage the reuse and redevelopment of the existing industrial park as a high-density mixed-use development District in order to create jobs and to enhance the tax base of the City. These regulations are intended to provide for the integration of basic industrial and manufacturing uses with office, service, and limited retail uses into a cohesive employment center.
(Ord. 2011-169. Passed 3-19-12.)

1129.02 PERMITTED USES.

(a) Buildings and Uses to Conform. Building and land in the Class U-8 District shall be used and buildings shall be designed, altered, moved or intended only for the uses specifically designated as Class U-8 uses in Section 1111.02, except that other similar, harmonious and compatible uses may be permitted, provided the Commission determines and Council confirms that they conform to the above statement of intent and are similar as to their effect upon surrounding uses, and with regard to hours of operation and amount of traffic generated. The Commission and Council may attach such conditions, stipulations, or requirements to the approval of such similar uses as deemed necessary to insure their compatibility, mitigate potential impacts, and otherwise carry out the spirit and intent of this Code.

(b) Accessory Uses. Accessory uses customarily incident to the main uses listed in Section 1111.02 shall be permitted, provided that such uses are planned and developed in conjunction with the main building. Such accessory uses may include:
(1) Lunchrooms.
(2) Parking garages, off-street parking lots, and loading areas.
(3) Wireless telecommunications facilities subject to the following provisions:
A. Wireless telecommunications facilities shall only be permitted as an accessory use provided such facilities are located on the roof of the building containing the principal permitted use. Antennas may be mounted on the walls of a penthouse, except where the exterior wall of the penthouse is flush with the exterior wall of the building. Antennas, other than dipole or omni-directional antennas, which are mounted on a penthouse shall not extend above the penthouse

and shall be screened with panels or other screening devices designed to match appearance of the penthouse wall and reduce visibility.

B. Wireless telecommunications antennas, including dipole antennas over two inches (2") in diameter, and support structures mounted directly on the roof shall not extend higher than twenty feet (20') above the roof and shall be setback from the parapet or roof edge a minimum of one foot (1') for each one foot (1') in elevation above the top of the parapet. Dipole antennas which are two inches (2") or less in diameter may be attached to the rear (inside) of the parapet wall provided such antennas do not extend more than three feet (3') above the top of said parapet wall. All such antennas shall be colored to minimize visibility.

C. Roof mounted wireless telecommunications facilities shall be designed to withstand wind loads of ninety (90) miles per hour.

D. Where wireless telecommunications facilities already exist, the applicant shall provide assurances that the proposed facilities will not interfere with the reception or transmission of signals by the existing equipment.

E. Equipment cabinets, switching equipment, cables, and other devices associated with wireless telecommunications facilities which are located on roofs shall be screened from view from the public right-of-way.

F. A building permit shall be required for the installation of each wireless communications facility. The building permit fee for wireless communications facilities shall be as set forth in Section 1329.03.

G. The Building Commissioner may, where it is determined that proposed wireless telecommunications facilities comply with all of the criteria set forth herein, issue a permit for the installation of such facilities without referral to the Commission, otherwise applications for wireless telecommunications facilities shall be referred to the Commission for consideration.

(4) Maintenance of fleet vehicles provided that:

A. Vehicle repair and maintenance shall be limited to minor repair services such as tune-ups, oil filter changes, tire changes, brake service, and vehicle inspections.

B. Repair and maintenance operations shall be restricted to fleet vehicles owned by the occupant or tenant only and no repair work shall be performed on vehicles belonging to any entity or individual other than the occupant or tenant.

C. All repair and maintenance work shall be performed solely and entirely within an enclosed building.

D. No major repair work, such as engine or transmission overhauls, and no bodywork or painting shall be performed.

(5) Car washes provided that no washing or detailing services are conducted outside of the building.

(6) Alternative energy facilities subject to the provisions of Chapter 1154.

(c) Special Redevelopment Overlay Uses. On parcels or land where the buildings existing on the effective date of this chapter are removed or demolished, and where the property owner redevelops the site with new facilities under the provisions of Section 1129.04, such redevelopment may include retail stores as part of a mixed-use development, provided, however, that such retail uses shall not exceed fifty percent (50%) of the gross floor area of the development.
(Ord. 2011-169. Passed 3-19-12.)

1129.03 AREA, YARD AND HEIGHT REGULATIONS.

Buildings in existence prior to the effective date of this chapter shall comply with the following regulations regarding area, yards, and heights:

(a) Area Regulations. The area of a lot occupied by a main use shall be a minimum of one acre with a minimum frontage of one hundred fifty feet (150'). The ground area occupied by all buildings shall not exceed forty percent (40%) of the total lot area. Not less than five percent (5%) of the total land area, exclusive of the required side yards, shall be developed as lawn or landscaped areas and shall be maintained in an orderly state.

(b) Yard Regulations. Yards and building setbacks shall be maintained in accordance with the following provisions:

(1) Front Yards. A front yard of not less than seventy-five feet (75') in depth shall be required for parcels or lots of less than two (2) acres in area. Parcels containing two (2) acres or more shall provide a front yard of not less than one hundred feet (100') in depth.

(2) Side Yards. Each parcel or lot of less than two (2) acres in area shall have combined side yard widths of not less than fifty feet (50'), and no individual side yard shall be less than ten (10) feet in width. Parcels of two (2) or more acres shall have combined side yard widths of not less than eighty feet (80'), and no individual side yard shall be less than twenty feet (20') in width. Where adjoining a residential district or a public street, the side yard adjacent to such residential district or public street shall be not less than fifty feet (50') in width.

(3) Rear Yards. Each parcel or lot shall have a rear yard of not less than forty feet (40') in depth. Where adjoining a residential district, the depth of the rear yard shall be not less than fifty feet (50').

(4) Buffers and Screening. Commission may require the installation of a fence, wall, hedge or other suitable screening or planting in order to create a buffer area where a residential district adjoins or abuts a rear or side yard of this classification.

(5) Use of Yards for Parking and Loading. Accessory off-street parking in a required front yard shall be permitted no closer than eleven feet from the street right-of-way line. Accessory off-street parking shall be permitted in a required side or rear yard but located not less than three feet (3') from a side lot line and thirty feet (30') from a residential district line. Accessory off-street loading shall be permitted in a required side or rear yard but located not less than five feet (5') from a side lot line and fifty feet (50') from a residential district line.

(6) Landscaping. All portions of required yards in which no off-street parking or loading spaces are permitted shall be developed as lawn or landscaped areas and shall be maintained in an orderly condition.

(c) Height Regulations. Buildings shall not exceed a maximum of forty-two feet (42') in height, exclusive of towers, cornices or similar decorative features.

(Ord. 2011-169. Passed 3-19-12.)

1129.04 SPECIAL REDEVELOPMENT OVERLAY PROVISIONS.

On parcels or land where the buildings existing on the effective date of this chapter are removed or demolished and the property owner redevelops the site with new facilities, such redevelopment shall comply with the following special Redevelopment Overlay provisions:

(a) Area Regulations. The minimum area necessary to qualify as a Redevelopment Overlay project shall be two acres with a minimum frontage of one hundred fifty feet (150')

(b) Yard Regulations. Yards, building setbacks, parking setbacks, and requirements for landscaping for Redevelopment Overlay projects shall be as approved by

Commission as part of the approved final Site Development Plan, provided, however, that no building or parking area shall be located closer than thirty feet (30') from a residential district boundary line. All yards shall be landscaped and maintained in accordance with an approved landscape plan.

(c) Height Regulations. Redevelopment Overlay buildings shall not exceed a maximum of six (6) stories and ninety feet (90') in height.

(Ord. 2011-169. Passed 3-19-12.)

1129.05 OFF-STREET PARKING AND LOADING FACILITIES.

Off-street parking and loading facilities shall be provided in conformance with the provisions of Chapter 1144.

1129.06 SITE LIGHTING.

Light poles shall not extend more than thirty feet (30') in height above the finished grade of the parking area or walkway.

1129.07 PERFORMANCE STANDARDS.

(a) Enclosed Buildings. All permitted main and accessory uses shall be conducted wholly within enclosed buildings, including storage of all mobile equipment. However parking of cargo carriers in the process of loading or unloading and in required off-street loading spaces shall be permitted for a period not to exceed twenty-four (24) hours.

(b) Fire and Explosive Hazards. The storage, handling and use of flammable or explosive materials shall be permitted only in structures having incombustible exterior walls. All activities concerned with flammable or explosive materials shall be provided with adequate safety and protective devices against hazards of fire and explosion as well as with adequate fire-fighting and suppression equipment and devices standard to the operation involved. All buildings shall be accessible to fire-fighting equipment and shall be in compliance with Part Fifteen the Fire Prevention Code.

(c) Waste Materials. Liquid wastes other than storm water shall be discharged into the sanitary sewer system. A separate storm sewer system shall be provided to receive storm water. No wastes shall be discharged into any sewer system which is inimical to sewage treatment, nor shall any waste which is deleterious to the sewerage system or the sewage treatment process be discharged into any sewer system. Solid wastes shall be stored in buildings.

(d) Toxic or Noxious Matter. Emission of toxic, noxious or corrosive fumes or gases, which would be demonstrably injurious to property, vegetation, animals or human health, shall not be permitted. Radioactive or electrical disturbances, which adversely affect any equipment at or beyond the boundaries of the lot, shall not be created.

(Ord. 2011-169. Passed 3-19-12.)

1129.08 SITE DEVELOPMENT PLANS.

Preliminary and final Site Development Plans are required and shall be prepared for all proposed developments in a Class U-8 District. Site Development Plans shall be submitted to the Commission in accordance with the provisions of Chapter 1108.

CHAPTER 1130
U-8A Office Building and Research District

1130.01 Intent.
1130.02 Permitted uses.
1130.03 Area, yard and height regulations.
1130.04 Off-street parking and loading facilities.
1130.05 Design and performance standards.
1130.06 Site development plans.

CROSS REFERENCES
Districts established - see P. & Z. 1111. 01
Classification of uses - see P. & Z. 1111.02
Existing nonconforming uses - see P. & Z. 1147.01

1130.01 INTENT.

This Chapter (Class U-8A District) is established, among other purposes, to control and regulate permitted uses in this District and other similar uses. The intent is to regulate and encourage limited manufacturing, research and development laboratories, office complexes and wholesale offices within close proximity to interstate transportation and developed in such a manner that all buildings will function as a unified high quality science and office park. The development standards are designed to ensure a park-like environment not only for the benefit of uses within the District but to protect and harmonize with the surrounding residential areas of the City. (Ord. 1977-13. Passed 12-5-77.)

1130.02 PERMITTED USES.

(a) Buildings and land in the Class U-8A District shall be used and buildings shall be designed, erected, altered or intended only for the uses specifically designated as Class U-8A uses in Section 1111.02; other similar harmonious and compatible uses may be determined by the Commission and approved by Council. No retail sales are permitted in this District.

(b) Accessory uses related to the principal use of the building authorized in Section 1111.02 are permitted as follows:

(1) Restaurants or lunchrooms, beauty and barber shops, mail services, blueprinting and other services found by the Commission to be similar, harmonious and compatible with the principal building use and which will not impair other permitted uses in the building. No accessory use or combination of accessory uses set forth in this subsection shall exceed twenty percent (20%) of the gross square footage of the building.

(2) Parking areas and garages, loading areas, enclosed maintenance and storage facilities and antennas permitted in Section 1129.02.

(3) Wireless telecommunications facilities subject to the following provisions:

A. Wireless telecommunications facilities shall only be permitted as an accessory use provided such facilities are located on the roof of the building containing the principal permitted use. Antennas may be mounted on the walls of a penthouse, except where the exterior wall of the penthouse is flush with the exterior wall of the building. Antennas, other than dipole or omni-directional antennas, which are mounted on a penthouse shall not extend above the penthouse and shall be screened with panels or other screening devices designed to match the appearance of the penthouse wall and reduce visibility.

B. Wireless telecommunications antennas, including dipole antennas over two inches (2”) in diameter, and support structures mounted

directly on the roof shall not extend higher than twenty feet (20') above the roof and shall be set back from the parapet or roof edge a minimum of one foot for each one foot in elevation above the top of the parapet. Dipole antennas which are two inches (2") or less in diameter may be attached to the rear (inside) of the parapet wall provided such antennas do not extend more than three feet (3') above the top of said parapet wall. All such antennas shall be colored to minimize visibility.

C. Roof mounted wireless telecommunications facilities shall be designed to withstand wind loads of ninety (90) miles per hour.

D. Where wireless telecommunications facilities are proposed to be located on a building where such facilities already exist, the applicant shall provide assurances that the proposed facilities will not interfere with the receipt or transmission of signals by the existing facilities.

E. Equipment cabinets, switching equipment, cables, and other devices associated with wireless telecommunications facilities which are located on roofs shall be screened from view from the public right-of-way.

F. A building permit shall be required for the installation of each wireless communications facility. The building permit fee for wireless communications facilities shall be as set forth in Section 1329.03.

G. The Building Commissioner may, where it is determined that proposed wireless telecommunications facilities comply with all of the criteria set forth herein, issue a permit for the installation of such facilities without referral to the Commission, otherwise applications for wireless telecommunications facilities shall be referred to the Commission for consideration.

(4) Satellite dish antennas subject to Chapter 1153.

(5) Car washes provided that:

A. No washing or detailing activities are conducted outside of the building.

B. There is no advertising or signage associated with the car wash.

C. Washing is by hand only and no automated wash systems are used.

D. The wash area does not exceed six hundred (600) square feet.

(Ord. 1998-41. Passed 4-20-98.)

1130.03 AREA, YARD AND HEIGHT REGULATIONS.

(a) The ground area occupied by the buildings shall not exceed the following percentages of the total area of the lot: fifteen percent (15%) for a three-story (3) building; twenty-five percent (25%) for any building with less than three (3) stories but more than one (1) story; and thirty-five (35%) percent for a one-story (1) building.

(b) All buildings shall be set back from any public street or highway at least one hundred feet (100'). However, all buildings with frontage on Richmond Road shall be set back at least two hundred feet (200').

(c) Side and rear yards, where adjoining a residential district with no street intervening, shall be at least one hundred feet (100'); otherwise, side and rear yards shall be at least thirty-five feet (35'). An evergreen hedge or other planting or fence may be required by the Commission along property or street lines. (Ord. 1977-13. Passed 12-5-77.)

(d) Height Regulations. Buildings shall not exceed forty-two feet (42'), exclusive of towers, cornices or similar decorative features. (Ord. 2007-139. Passed 4-7-08.)

(e) The minimum lot area for any development under the U-8A District shall be two (2) acres with a minimum frontage on a public street of two hundred feet (200') in

width.

(f) Not less than ten percent of the total land area and all required yards in which no off-street parking is permitted shall be developed as lawn or planted area or maintained in an orderly wooded state.

(g) In U-8A developments, portions of the front, side or rear yards may be used for parking according to the following schedule:

Type and Location of Yard	Setback (ft.)
Front, side or rear yard along Richmond Road	100
Front, side or rear yard along other streets	35
Side or rear yard abutting nonresidential	10
Side or rear yard abutting residential	50

1130.04 OFF-STREET PARKING AND LOADING FACILITIES.

Off-street parking and loading facilities shall be provided in conformance with the provisions of Chapter 1144.

1130.05 DESIGN AND PERFORMANCE STANDARDS.

(a) Driveways to buildings or parking areas shall be located at least two hundred feet (200') from a street intersection.

(b) All permitted uses shall be performed wholly within enclosed buildings. All goods, raw materials, equipment and waste materials shall be used or stored within buildings.

(c) Areas bordering upon buildings shall be planted with ground cover, trees, shrubs or hedges and maintained to produce a park-like effect. Parking setbacks and other undeveloped areas of the property shall be graded, seeded and maintained as a lawn or wooded in an orderly natural state and shall be included in a landscape plan.

(d) The premises shall be maintained in an orderly, neat, clean and sanitary condition. Lawns shall be kept mowed and trimmed and planting and trees shall be maintained and trimmed according to reasonable landscaping principles.

(e) Where a U-8A zoning classification or use is contiguous to or across the street from any residential zone or use, Commission shall require special landscaping, buffering or mounding as is necessary for appropriate separation and screening.

(f) Operations, experiments, manufacturing and other uses shall be regulated so as to comply with the following performance standards at the nearest street or property lines:

(1) Noxious, toxic or corrosive fumes or gases shall not be emitted which would be injurious or detrimental to persons, property or vegetation or be discernible to the sense of smell.

(2) No deleterious, corrosive, toxic or explosive wastes or other similar materials shall be discharged into any sanitary or storm sewer or natural watercourse or onto the ground.

(3) Glare or brightness caused by the operations or illumination of buildings or grounds shall be shielded so as not to be objectionable or hazardous to owners or users of adjacent property or public streets.

(4) Electrical disturbance shall not be created that would adversely affect the operation of sound, radio or television equipment in any building in the vicinity.

(5) Noise or vibrations created shall not interfere with the life, health, safety and welfare of persons or property in any building in the vicinity.

(Ord. 1977-13. Passed 12-5-77.)

1130.06 SITE DEVELOPMENT PLANS.

A preliminary and final Site Development Plan shall be prepared for all types of proposals for developments in a Class U-8A District and submitted to the Commission in accordance with the provisions of Chapter 1108.

CHAPTER 1131
U-9 Motor Service District

1131.01 Intent.
1131.02 Permitted uses.
1131.03 Height regulations.
1131.04 Area regulations.
1131.05 Yard regulations.
1131.06 Off-street parking and loading facilities.
1131.07 Landscaping and screening.
1131.08 Site development plans.

CROSS REFERENCES
Districts established - see P. & Z. 1111.01
Classification of uses - see P. & Z. 1111.02
Building lines - see P. & Z. 1145.02
Nonconforming uses - see P. & Z. Ch. 1147
Submission of plans to Architectural Board of Review; fee - see BLDG. 1329.08

1131.01 INTENT.

It is the intent of this Chapter (Class U-9 Districts) to provide for Motor Service Districts on major roads in the immediate vicinity of freeway interchanges to serve the needs of through and local motorists. Motor Service Districts are intended to accommodate a mixture of office and travel oriented uses. (Ord. 1999-165. Passed 4-3-00.)

1131.02 PERMITTED USES.

Buildings and land in a Class U-9 District shall be designed, created, altered or intended only for the uses specifically designated as Class U-9 uses in Section 1111.02 and for the accessory uses set forth below except that other similar, harmonious and compatible uses may be permitted, provided the Commission determines and Council confirms that they conform to the above statement of intent and are similar as to their effect upon surrounding uses, and with regard to hours of operation and amount of traffic generated. The Commission and Council may attach such conditions, stipulations, and/or requirements to the approval of such similar uses as deemed necessary to insure their compatibility, mitigate potential impacts, and otherwise carry out the spirit and intent of this Code.

(a) Accessory Uses.
- (1) Off-street parking.
- (2) Service stations may sell sundry items and snack food.
- (3) Motel and hotel swimming pools and recreation facilities.
- (4) Signs. (Ord. 1999-165. Passed 4-3-00.)
- (5) Temporary special event sales held at a hotel provided that:
  - A. Such special event sales shall be conducted solely in the common areas and meeting facilities of the hotel;
  - B. No displays or sales associated with such special events shall take place in individual bedroom units; and
  - C. A special event sale permit is obtained from the Safety Director and Building Commissioner prior to the event.
- (6) Industrial and/or retail trade shows or events held at a hotel which may include displays, presentations, and related activities provided that:
  - A. Such events shall be conducted solely in the common areas and meeting facilities of the hotel;
  - B. No displays, presentations, or other related activities shall take place in individual bedroom units; and

C. A special event permit is obtained from the Safety Director and Building Commissioner prior to the event.
(Ord. 2014-22. Passed 7-21-14.)

(7) Charitable events with the approval of the Mayor.

(8) Wireless telecommunications facilities subject to the following provisions:

A. Wireless telecommunications facilities shall only be permitted as an accessory use provided such facilities are located on the roof of the building containing the principal permitted use. Antennas may be mounted on the walls of a penthouse, except where the exterior wall of the penthouse is flush with the exterior wall of the building. Antennas, other than dipole or omni-directional antennas, which are mounted on a penthouse shall not extend above the penthouse and shall be screened with panels or other screening devices designed to match the appearance of the penthouse wall and reduce visibility.

B. Wireless telecommunications antennas, including dipole antennas over two inches (2') in diameter, and support structures mounted directly on the roof shall not extend higher than twenty feet (20') above the roof and shall be set back from the parapet or roof edge a minimum of one foot (1') for each one foot (1') in elevation above the top of the parapet. Dipole antennas which are two inches (2") or less in diameter may be attached to the rear (inside) of the parapet wall provided such antennas do not extend more than three feet (3') above the top of said parapet wall. All such antennas shall be colored to minimize visibility.

C. Roof mounted wireless telecommunications facilities shall be designed to withstand wind loads of ninety (90) miles per hour.

D. Where wireless telecommunications facilities are proposed to be located on a building where such facilities already exist, the applicant shall provide assurances that the proposed facilities will not interfere with the receipt or transmission of signals by the existing facilities.

E. Equipment cabinets, switching equipment, cables, and other devices associated with wireless telecommunications facilities which are located on roofs shall be screened from view from the public right-of-way.

F. A building permit shall be required for the installation of each wireless communications facility. The building permit fee for wireless communications facilities shall be as set forth in Section 1329.03.

G. The Building Commissioner may, where it is determined that proposed wireless telecommunications facilities comply with all of the criteria set forth herein, issue a permit for the installation of such facilities without referral to the Commission, otherwise applications for wireless telecommunications facilities shall be referred to the Commission for consideration.

(9) Satellite dish antennas subject to Chapter 1153.
(Ord. 1999-165. Passed 4-3-00.)

(10) Automobile agencies with new and used vehicle sales and service may display vehicles for sale within the front setback in accordance with the following provisions:

A. Vehicles displayed within the front setback shall be placed on permanent vehicle display pads or structures designed and landscaped for that purpose and approved by the Commission.

B. The number of vehicles displayed within the front setback shall be as authorized and approved by the Commission, but in no case

shall exceed a maximum of four (4) vehicles.

C. Vehicle display pads and/or structures shall be located not less than ten feet (10') from the street right-of-way line and the placement of vehicles shall not obstruct clear sight distance for motorists on the public right-of-way as determined by the Police Chief.

D. Displayed vehicles may be illuminated with permanent lighting as approved by the Building Commissioner provided such lighting is shielded from the public right-of-way and does not exceed a total of one hundred fifty (150) watts per vehicle display.

E. The maximum height of any vehicle display pad or structure shall not exceed three feet (3').

(Ord. 2004-132. Passed 1-18-04.)

1131.03 HEIGHT REGULATIONS.

Buildings in Class U-9 Districts shall have a height of not more than sixty feet (60'), exclusive of towers, cornices or similar features.

(Ord. 1999-165. Passed 4-3-00.)

1131.04 AREA REGULATIONS.

(a) Every lot occupied by a main building or use shall comply with the lot area, lot width, percentage of lot coverage by the building and the landscaped areas as follows:

Main Use	Min. Lot Area (in acres)	Min. Lot Width (in feet)
Service station	3/4	150
Hotel or motel, with or without eating, assembly, recreation	3	200
Restaurant, if separate building	1-1/2	200
Auto agencies (with used car sales permitted as an accessory)	3	500
Banks	0	100
Office buildings	0	100

(b) Each lot shall have landscaped areas which shall be part of any lot which is not covered by buildings, accessory uses, drives and parking lots. The landscaped areas shall be developed and maintained as lawns, along with trees and shrubs, or maintained in a natural state.

(c) The lot area occupied by a motel or hotel shall not be less than set forth in the above schedule, or not less than 1,300 square feet for each lodging unit, whichever is greater. Each lodging unit shall be comprised of at least two hundred fifty (250) square feet of floor area and shall not contain more than two (2) sleeping rooms. Kitchen and/or cooking facilities are prohibited unless the Site Development Plan for the building demonstrates the location of such kitchens and/or cooking facilities, and the Commission accepts the proposed plan, specifically approving the size and location of the kitchen and cooking facilities as an accessory use, prior to the construction of the building. There shall be no kitchens or cooking facilities as an accessory use to any hotel or motel not designed and approved in accordance with these Codified Ordinances. (Ord. 1999-165. Passed 4-3-00.)

1131.05 YARD REGULATIONS.

(a) Front, side and rear yards shall be provided on

every lot in a Class U-9 District in accordance with the following schedule:

Nonresidence	Front Yard (feet to right of way)	Side and Rear Yards Adjacent to Residential District (in feet)	Adjacent to District (in feet)
Service station building	75	100	35
Service station pumps	20	100	35
Motel, hotel, restaurant	100	100	35
Parking	35	30	10

	Front Yard (in feet)	Side Yard (in feet)	Rear Yard (in feet)
Auto agencies (with used car sales)	75	100 (adjacent to a residential district), otherwise two side yards shall be required, each equal to the height of building.	Where adjoining a residential district, the rear yards shall not be less than 100. In all other locations, the rear yard shall be not less than 25 or the height of the building, whichever is greater.
Banks	75	100 (adjacent to a residential district), otherwise two side yards shall be required, each equal to the height of the building.	Where adjoining a residential district, the rear yard shall not be less than 100. In all other locations, the rear yard shall be not less than 25 or the height of the building, whichever is greater.
Office buildings	75	100 (adjacent to a residential district), otherwise two side yards shall be required, each equal to the height of the building.	Where adjoining a residential district, the rear yard shall not be less than 100. In all other locations, the rear yard shall be not less than 25 or the height of the building, whichever is greater.

(b) Any accessory parking or service area shall be physically separated from the street by a curb and planting strip or other suitable barrier to prohibit unchanneled motor vehicle access, except onto accessways as hereinafter set forth.

(c) Every required yard in which no off-street parking or loading spaces are permitted and any additional required landscaped open areas as required in Section 1131.04 shall be developed as lawn or planted areas or maintained in a natural state. The Commission shall require from each applicant for its approval a plan depicting the design of the installation of a fence, wall, hedge or other suitable screening or planting in order to create a buffer area where a residential district adjoins or abuts a rear or side yard of this classification.
(Ord. 1999-165. Passed 4-3-00.)

1131.06 OFF-STREET PARKING AND LOADING FACILITIES.
Off-street parking and loading facilities shall be provided in conformance with the provisions of

Chapter 1144.

1131.07 LANDSCAPING AND SCREENING.

(a) Whenever a U-9 District is located adjacent to a residential district, it shall be effectively screened on all sides which adjoin or face residentially zoned property by an acceptably designed wall, fence, mound or planting screen. Such wall, fence, mound or planting screen shall be not less than six feet (6') in height and shall be maintained in good condition.

(b) Required yard areas shall be landscaped in accordance with a landscape plan as approved by the Commission and shall be maintained in good condition.

(c) Dumpsters and/or garbage collection facilities shall be enclosed by a solid wall or fence at least six feet (6') in height and constructed of materials which are compatible in type, texture, style, and color with the main building, and such facilities shall not be located in required setbacks.

(d) All buildings shall have appropriate foundation plantings, installed in conformance with an approved landscape plan, which complement the architectural treatment and provide for year round interest.

(e) At least ten percent (10%) of the area within the boundary of a parking area designed for more than fifty (50) car spaces shall be developed as planted islands with minimum dimensions of ten feet (10') and designed to interrupt the expanse of paving area.

(f) Not less than five percent (5%) of the total land area, exclusive of the side yards and parking islands, shall be developed as lawn or planted areas, or be maintained in a natural state, and in addition thereto, all portions of required yards in which no off-street parking is permitted, shall be developed as lawn or planted areas or maintained in a natural state.

(Ord. 1999-165. Passed 4-3-00.)

1131.08 SITE DEVELOPMENT PLANS.

Preliminary and final Site Development Plans are required and shall be prepared for all proposed developments in a Class U-8 District. Site Development Plans shall be submitted to the Commission in accordance with the provisions of Chapter 1108.

CHAPTER 1132
U-10 Planned Mixed-Use Development District

1132.01 Intent.
1132.02 Permitted uses.
1132.03 Area, yard and height regulations.
1132.04 Parking Setbacks.
1132.05 Design and performance standards.
1132.06 Landscaping.
1132.07 Site development plans.
1132.08 Miscellaneous regulations.

CROSS REFERENCES

Districts established - see P. & Z. 1111.01
Classification of uses - see P. & Z. 1111.02
Building lines - see P. & Z. 1145.02
Nonconforming uses - see P. & Z. Ch. 1147
Submission of plans to Architectural Board of Review; fee - see BLDG. 1329.08

1132.01 INTENT.

This chapter (Class U-10 District) is established, among other purposes, to create jobs, to create taxable land for the benefit of the City, the School District, the County and other taxing districts and to encourage the comprehensive design and integrated development of large tracts of land suitable for a variety of mutually supported commercial, industrial and retail uses.

The general purposes of this Planned Unit District (PUD) are served by the following basic principles:

(a) Comprehensive planning of large tracts of land promotes the creation of jobs, providing opportunities for the integration of various development projects and clearly identifiable growth centers in a region.

(b) Comprehensive planning and different types of uses can be successfully integrated and provide functional convenience and efficiency in the provision of public services and infrastructure.

(c) Comprehensive planning and integrated design with higher densities of development than are otherwise permitted in this Code can be accommodated in a PUD without loss of environmental or other quality. The general benefits of higher density include greater productivity of land, more efficient utilization of transportation and utilities, more convenient access between different developments, the potential for higher development returns that can be channeled towards provision of higher level pedestrian and open space amenities, and a concentration within a limited area of the critical mass of people necessary to support varied uses.

(d) Comprehensive planning and integrated design of large tract of land allow for better detailed definition and administration of architectural and landscape design controls.

The advantages of comprehensively planned and designed mixed-use development cannot be achieved by the standard application of existing zoning laws for individual type uses. The Class U-10 District, therefore, is a combination zoning classification, providing for a variety of development types under special developmental standards that are only applicable to the uses in this District.

(Ord. 1989-139. Passed 11-20-89.)

1132.02 PERMITTED USES.

(a) Buildings and land in the Class U-10 District shall be used and buildings shall be designed, erected, altered or intended only for the uses specifically designated as Class U-10 uses in this section or in Section 1111.02, except

that other uses determined to be similar, harmonious and compatible may be authorized by the with the concurrence of Council. The Commission and Council may attach such conditions, stipulations or requirements to the approval of such similar uses as deemed necessary to insure their compatibility, to control potential impacts, and to otherwise carry out the intent of this Code. (Ord. 2002-31. Passed 4-15-02.)

(b) Permitted uses in this District shall include the following uses with the standards set forth in this Chapter or incorporated by reference:

(1)	Class P-1 (U 4A Retail).	Not more than the greater of eleven (11) acres of land or 120,000 square feet of gross leasable area shall be permitted in the PUD, excluding accessory space in office buildings.
(2)	Class P-2 (U-7A Office Building).	
(3)	Class P-3 (U-8A "Flex" Space).	Not more than twenty percent (20%) of the PUD District shall be Class U-8A. A U-8A use shall be occupied by not less than ten percent of office use for each building.
(4)	Class P-4 (U-9) (hotel, gas station or restaurant).	Hotel (not less than four (4) stories and forty feet (40') in height)
(5)	Class P-5.	Municipal and public utility service uses.
(6)	Class P-6.	Park land. Prior to designation of use P-1 through P-5 District by the owner and approved by the Commission, per Section 1132.08, all land shall be designated as park land.

(Ord. 1989-139. Passed 11-20-89.)

(c) The following accessory uses shall be permitted provided they are incidental and subordinate to a principal permitted use and that they are planned and developed in conjunction with a main building:

(1) Parking as provided in Section 1132.04.

(2) Signs as provided in Section 1132.07(c).

(3) Wireless telecommunications facilities subject to the following provisions:

A. Wireless telecommunications facilities shall only be permitted as an accessory use provided such facilities are located on the roof of the building containing the principal permitted use. Antennas may be mounted on the walls of a penthouse, except where the exterior wall of the penthouse is flush with the exterior wall of the building. Antennas, other than dipole or omni-directional antennas, which are mounted on a penthouse, shall not extend above the penthouse and shall be screened with panels or other screening devices designed to match the appearance of the penthouse wall and reduce visibility.

B. Wireless telecommunications antennas, including dipole antennas over two inches (2") in diameter, and support structures mounted directly on the roof shall not extend higher than twenty feet (20') above the roof and shall be set back from the parapet or roof edge a minimum of one foot (1') for each one foot (1') in elevation above the top of the parapet. Dipole antennas which are two inches (2") or less in diameter may be attached to the rear (inside) of the parapet wall provided such antennas do not extend more than three feet (3') above the top of said parapet wall. All such antennas shall

be colored to minimize visibility.

C. Roof mounted wireless telecommunications facilities shall be designed to withstand wind loads of ninety (90) miles per hour.

D. Where wireless telecommunications facilities are proposed to be located on a building where such facilities already exist, the applicant shall provide assurances that the proposed facilities will not interfere with the receipt or transmission of signals by the existing facilities.

E. Equipment cabinets, switching equipment, cables, and other devices associated with wireless telecommunications facilities which are located on roofs shall be screened from view from the public right-of-way.

F. A building permit shall be required for the installation of each wireless communications facility. The building permit fee for wireless communications facilities shall be as set forth in Section 1329.03.

G. The Building Commissioner may, where it is determined that proposed wireless telecommunications facilities comply with all of the criteria set forth herein, issue a permit for the installation of such facilities without referral to the Commission, otherwise applications for wireless telecommunications facilities shall be referred to the Commission for consideration.

(4) Satellite dish antennas subject to Chapter 1153.

(5) Other accessory uses as specifically authorized by the Commission provided such accessory uses are planned and developed integrally with the main building and that the total floor area of all accessory uses does not exceed twenty percent (20%) of the gross floor area of the main building. (Ord. 2002-31. Passed 4-15-02.)

1132.03 AREA, YARD AND HEIGHT REGULATIONS.

(a) Ground Area. The minimum lot size shall be three acres, except for a restaurant or gasoline station which shall be one acre.

(b) Schedule.

(1) Ground coverage of buildings.

Class P-1 (U 4A)	25 percent
Class P-2 (U-7A)	20 percent
Class P-3 (U-8A)	30 percent (2-story, not to exceed 30 feet)
Class P-3 (U-8A)	40 percent (1 story)
Class P-4 (U-9)	25 percent (free standing restaurant, gasoline station or hotel)

(2) Parking garage. From five feet (5') to ten feet (10') above ground shall be counted as five percent (5%) ground coverage. Less than five feet (5') above ground shall not be counted. Above ten feet (10'), the ground area of the structure shall not be calculated as building coverage, provided that an area equal to the ground area of the parking structure is maintained as landscaping in addition to other required landscaping.

(c) Setbacks. All buildings shall be set back from a public street or highway as follows:

Street	Building Setback From Right-of-Way Line
Harvard Avenue	75 feet
Richmond Road	75 feet
Green Road	75 feet
Other public streets	1/2 the height of the building and a minimum of 50 feet

(d) Side and Rear Yards. Side and rear yards shall be one half the height of the building and a minimum of five feet. Where adjoining a residential district, where a house exists, the yard shall be two hundred feet (200') from the R-10 building to the closest part of the residential lot. Where there is no house existing, such yard shall be a minimum of one hundred feet (100'). No parking or driveway shall be permitted in one-half of such yard adjoining a residential district. The Commission shall determine the landscaping, mounding, screening or fencing necessary to separate the Districts for the protection of the residential district.
(Ord. 1989-139. Passed 11-20-89.)

(e) Front Yards. Buildings shall be set back from each public right-of-way a minimum distance of fifty feet (50') plus one foot (1') for each foot of building height in excess of fifty feet (50').
(Ord. 2002-31. Passed 4-15-02.)

(f) Height of Buildings. Building height shall not exceed one hundred fifty feet (150') exclusive of towers, cornices or other features which may be approved by the Commission.
(Ord. 1989-139. Passed 11-20-89.)

1132.04 PARKING SETBACKS

Parking setbacks shall be as follows:

Street	Parking Setback From Right-of-Way Line (ft.)
Harvard Avenue	35
Richmond Road	35
Green Road	35
Other public streets	15
Abutting property	10

1132.05 DESIGN AND PERFORMANCE STANDARDS.

(a) Driveway curb cuts to a public street shall be located at least three hundred feet (300') apart and not less than two hundred feet (200') from a street intersection. The Commission shall approve curb cuts, wherever possible, to require two (2) or more lots to use a common curb cut. The Commission may require that an entrance and exitway into a street be in one direction only. Fire lanes shall be a minimum of eighteen feet (18') where required and approved by the Commission.

(b) All permitted uses shall be contained wholly within an enclosed building. All goods, raw materials, equipment and waste materials shall be used or stored within buildings. The Commission shall permit an accessory structure on the lot to contain waste material awaiting pick up. Such structure must be approved by the Commission, including design, materials and screening.

(c) All uses shall be regulated to comply with the following performance standards at the nearest street or property line:

(1) Noxious, toxic or corrosive fumes or gases shall not be emitted which would be injurious or detrimental to persons, property or vegetation or which would be discernible to the sense of smell.

(2) No deleterious, corrosive, toxic, explosive or other environmentally hazardous material or waste shall be discharged into any sanitary or storm sewer or natural watercourse, or into the air or ground.

(3) Electrical disturbances shall not be created that would adversely affect the operation of sound, radio, television or computer equipment in any way.

(4) Noise or vibrations which are incidental to the use in any building shall not interfere with the life, health, safety and welfare of persons or property.
(Ord. 1989-139. Passed 11-20-89.)

1132.06 LANDSCAPING.

(a) Not less than twenty percent (20%) of the total land area of a lot and all required yards on which no off-street parking is permitted shall be developed as lawn or landscaped areas or maintained in a naturally wooded state.

(b) Not less than ten feet (10') of area bordering buildings, except for entrance ways, shall be planted with ground cover, trees, shrubs, hedges or other landscaping to maintain a park-like effect. In a retail P-1 Use, the Commission may reduce this standard. Parking setbacks and other undeveloped areas of the park shall be graded and maintained as a lawn or wooded area in an orderly natural state and shall be included in the landscape plan.

(c) Landscaping, driveways and other permitted uses shall at all times be maintained in an orderly, neat, clean, sanitary and structurally sound condition, and all buildings, driveways or other structures shall be repaired in order to maintain substantially their original appearance and condition to prevent blight and unsightliness. Lawns and other landscaping shall be maintained in accordance with acceptable landscaping principles.

(d) Where a Class U-10 District or use is contiguous to or across the street from a residential zone or use, the Commission may require special landscaping, buffering, mounding or fences as the Commission finds necessary for appropriate separation, screening, and protection.

(Ord. 1989-139. Passed 11-20-89.)

1132.07 SITE DEVELOPMENT PLANS.

A preliminary and final Site Development Plan shall be prepared for all types of proposals of developments in a Class U-10 District. Such plan shall designate which uses are requested and shall be submitted to the Commission for its approval in accordance with the provisions of Chapter 1108.

1132.08 MISCELLANEOUS REGULATIONS.

(a) A building shall not be closer than one-half (.5) the height of the taller building adjoining it in any direction. Where the Commission permits, buildings may have common walls under separate ownership. There shall be a minimum distance of twenty feet (20') between buildings when developed as a complex, with the approval of the Commission.

(b) Office buildings are permitted to have a restaurant or lunchroom as part of the retail space. Each office building may have not more than twenty percent (20%) of the gross leasable space used for retail, food service or other permitted accessory uses.

(c) Not more than two (2) gasoline stations shall be permitted in a PUD District. They shall be developed architecturally compatible with other buildings. Body work and major engine repair shall not be permitted. No outdoor storage of vehicles shall be permitted unless actually being serviced, and in no event shall such outdoor storage be longer than five (5) days.

(d) Day care centers for children are permitted.

(e) Uses listed in Section 1111.03 are prohibited.

(Ord. 1989-139. Passed 11-20-89.)

TITLE FIVE - General Provisions

Chap. 1141. Signs.
Chap. 1143. Lots.
Chap. 1144. Off Street Parking and Loading Facilities.
Chap. 1145. Yards and Lines.
Chap. 1146. Fences, Landscaping and Driveways.
Chap. 1147. Nonconforming Uses.
Chap. 1153. Dished Satellite Antennas.
Chap. 1154. Alternative Energy Facilities.
Chap. 1155. Supplemental Standards for Specific Uses.
Chap. 1157. Riparian and Wetland Setbacks.
Chap. 1159. Determinations and Variances.

CHAPTER 1141
Signs

1141.01 Purpose and intent.
1141.02 Exemptions.
1141.03 Definitions.
1141.04 Compliance and sign permit required.
1141.05 Sign permit applications.
1141.06 Review and approval of sign permits.
1141.07 Permit exceptions.
1141.08 Measurement standards.
1141.09 Illumination of signs.
1141.10 Location of signs.
1141.11 Prohibited signs.
1141.12 Removal of signs.
1141.13 Signs in residential districts (U-1, U-2A, U-3, and U-3A).
1141.14 Signs in public and institutional districts (U-5).
1141.15 Signs in integrated business districts (U-4A).
1141.16 Signs in shopping center districts (U-4B).
1141.17 Signs in office building and industrial districts (U-7A, U-8, U-8A).
1141.18 Signs in motor services districts (U-9).
1141.19 Signs in planned mixed-use development districts (U-10).
1141.20 Nonconforming signs.

CROSS REFERENCES

Power to regulate - see Ohio R. C. 715.27
Signs and signals resembling traffic control devices - see TRAF. 414.07
Signs for commercial structures and multiple-family dwellings - see BLDG. 1375.17

1141.01 PURPOSE AND INTENT.

Sign regulations, including provisions to control the type, design, size, location, illumination, and maintenance thereof, are hereby established in order to achieve, among others, the following purposes:

(a) To promote and maintain attractive and high value residential districts;

(b) To provide for reasonable and appropriate methods and conditions for advertising goods sold or services rendered in business districts;

(c) To provide for appropriate and harmonious identification of uses and services

within office, industrial, and institutional districts;

(d) To protect property values;

(e) To promote the public health, safety and welfare by avoiding conflicts between signs and traffic control devices, avoiding traffic hazards, and reducing visual distractions and obstruction; and

(f) To protect and preserve the aesthetic quality and physical appearance of the City.

(Ord. 2007-108. Passed 4-7-08.)

1141.02 EXEMPTIONS.

The provisions of this Chapter shall not amend or in any way interfere with other rules or regulations governing traffic or public safety signs. These regulations shall not be applicable to any signs erected by the City for public purposes.

(Ord. 2007-108. Passed 4-7-08.)

1141.03 DEFINITIONS.

(a) Sign: "Sign" means a structure or part thereof, or any device attached to land, buildings or any object of any nature, which is displayed for purposes of advertisement, announcement, declaration, demonstration, identification, or expression or to direct attention to a person, institution, organization, activity, place, object, product or business.

(b) Signs are herein classified and defined according to the following:

(1) "Changeable Copy Sign" means a Sign designed to display multiple or changing messages whether by manual, mechanical or electronic means. Such Signs are characterized by changeable letters, symbols or numerals that are not permanently affixed to the structure, framing, or background allowing the letters, characters, or graphics to be modified from time to time manually or by electronic or mechanical devices. Electronically changed Signs may include either electronic message boards or digital displays.

(2) "Directional Sign" means a Sign indicating a direction or a location to which traffic, whether pedestrian or vehicular, is requested to move within the parcel for the purpose of traffic control and public safety.

(3) "Marquee Sign" means a Sign attached to the underside, topside or face of a marquee roof over a walk or permanent awning.

(4) "Monument Sign" means a Sign erected on a free-standing wall or monument not attached to a building with a solid continuous foundation.

(5) "Pole Sign" means a Sign with not more than two faces which is supported wholly by a pole or poles and designed so as to permit pedestrian or vehicular traffic thereunder.

(6) "Projecting Sign" means a Sign erected on or attached to the outside wall of a building and which projects out at an angle therefrom.

(7) "Temporary Sign" means a Sign constructed of cloth, paper, wood, fabric, or other temporary material, with or without a structural frame, and intended or designed for a limited period of display.

(8) "Wall Sign" means a Sign erected on, attached to, painted on the surface of, or integral with the wall of any building, located in a plane parallel to the plane of the wall, and supported by the building.

(9) "Wayfinding Sign" means a Sign used to direct motorists or pedestrians to a specific location or uses.

(10) "Window Sign" means a Sign painted on, attached or affixed to the interior or exterior surface of windows or doors of a building or otherwise intended to be seen through a window or door.

(Ord. 2012-29. Passed 5-21-12.)

1141.04 COMPLIANCE AND SIGN PERMIT REQUIRED.

Signs shall be designed, erected, painted, repainted, posted, reposted, placed, replaced, hung, displayed, altered, reconstructed, moved or maintained, in whole or in part, only in accordance with the provisions set forth in this Chapter. A Sign permit issued by the Building Commissioner shall be required prior to the erection, display, relocation, replacement, reinstallation, or alteration of any sign, including Temporary Signs, except as otherwise specifically exempted in Section 1141.07 hereof. (Ord. 2007-108. Passed 4-7-08.)

1141.05 SIGN PERMIT APPLICATIONS.

All applications for Sign permits shall be submitted to the Building Commissioner on forms furnished by the City, shall be signed by the owner or lessee of the property on which the sign is proposed, shall be accompanied by such fee as may be established by Council, and each application shall be accompanied by drawings to scale, showing:

(a) The design and layout proposed including the total area of the Sign, the size, materials, character and color of the letters, lines and surface symbols;
(b) The method of illumination, if any;
(c) The exact location of the Sign in relation to the building, property lines, and rights-of-way;
(d) Construction details and specifications as required by the Building Code; and
(e) And such additional information as the Building Commissioner may require in order to determine compliance with this Chapter.

(Ord. 2007-108. Passed 4-7-08.)

1141.06 REVIEW AND APPROVAL OF SIGN PERMITS.

Each application for a Sign permit shall be referred to the Architectural Board of Review for consideration. No Sign permit shall be issued without the approval of the Architectural Board of Review. (Ord. 2007-108. Passed 4-7-08.)

1141.07 PERMIT EXCEPTIONS.

No Sign permit shall be required for:

(a) Periodic repair, repainting, or maintenance which does not alter the Sign including, but not limited to, the Sign face, design, or structure.
(b) Changing the lettering, graphic, or information on a sign specifically approved as a Changeable Copy Sign, whether automatic or manual.
(c) Legal notices, warnings, regulatory, informational, or Directional Signs erected by any public agency or utility.
(d) Traffic-control Signs not exceeding two (2) square feet in area directing and guiding traffic and parking on private property, such as Signs designating handicapped parking, reserved parking, visitor parking, and loading areas.
(e) Wall Signs not exceeding three (3) square feet in area which cannot be seen from a public street or right-of-way or from adjacent properties.
(f) Temporary Signs not exceeding four (4) square feet in area and four feet (4') in height, provided that not more than four (4) such signs shall be located on any lot or parcel, that such signs shall not be displayed for longer than thirty (30) days, and that such signs shall not be located less than feet (10') from the right-of-way of any street or any side lot line.
(g) Automobile agencies with new and used vehicles sales and service may place informational stick-on signs on the windshields of vehicles for sale provided that all such Signs displayed are of a consistent design, are placed in the upper right hand corner of the windshield, and do not cover more than one (1) square foot of area of the windshield.
(h) Two (2) permanent, non-illuminated Signs not exceeding one (1) square foot in area shall be permitted for each single-family or two-family dwelling, provided that such Signs shall be located not less than ten feet (10') from any side lot line of the premises and not less than two feet (2') from the paved roadway on the tree lawn.

(Ord. 2007-108. Passed 4-7-08.)

1141.08 MEASUREMENT STANDARDS.

The following provisions shall apply to all Signs:

(a) The total area of all Signs permitted on a lot in accordance with regulations set forth in the following sections shall include the area of all of the Sign faces visible from a public right-of-way, including the area of Signs placed upon the surface of windows or doors, but shall not include Signs which are less than two (2) square feet in area directing and guiding traffic and parking on private property, or any Signs which cannot be seen from a public street, right-of-way, or adjacent properties.

(b) The area of a Sign shall be measured within a continuous perimeter enclosing the extreme limits of such Sign including all text and graphics and any device used to attract attention provided, however, that structural elements lying outside the limits of such Sign and not forming an integral part of the display shall not be included as Sign area.

(c) Monument Signs shall be limited to a maximum of two (2) faces. Where the two faces of a Monument Sign are oriented one hundred eighty (180) degrees, or back to back, to one another the total Sign area of such sign shall be measured as if the sign had a single face.

(d) The height of a Monument Sign shall be measured from the finished grade at the base of the Sign to the highest point or element of the Sign.

(e) For the purposes of calculating permitted Sign area, the frontage of a building shall be the number of linear feet of the building wall or facade which faces the principal street or contains the main entrance as determined by the Building Commissioner.

(Ord. 2007-108. Passed 4-7-08.)

1141.09 ILLUMINATION OF SIGNS.

(a) Signs in residential districts shall not be illuminated, except as specifically provided herein.

(b) Signs in business, industrial, office, and institutional districts may be illuminated. Where illuminated Signs are permitted, they shall conform to the following requirements:

(1) All illuminated Signs shall comply with the requirements of the National Electric Code.

(2) Electrical wiring serving any Sign shall be installed underground or on or within the structure to which the Sign is attached.

(3) Illumination shall not be of excessive brightness and shall be shielded so as to prevent direct light or glare from being cast into any adjoining residential area or at vehicles traveling on a public right-of-way. Such lighting shall be shielded so as to prevent view of the light source from any adjoining residence or residential district and/or vehicles approaching on a public right-of-way from any direction.

(4) Flashing, moving or intermittent illumination other than Changeable Copy Signs shall not be permitted.

(5) The colors red or green, whether in direct illumination or reflection, shall not be used where such use may interfere with the sight lines of a traffic signal.

(c) Changeable Copy Signs. Multiple message and variable message Signs which are changed electronically shall conform to the following standards:

(1) Each message or copy shall remain fixed for at least thirty (30) seconds. Messages shall not flash, include moving video displays or animation, or emit intermittent light.

(2) Changes to messages, copy, or images shall be accomplished in not more than three (3) seconds.

(3) Each such Sign must be capable of regulating the digital display intensity

and the light intensity level of the display must automatically adjust to natural ambient light conditions.

(4) No such Sign shall be of such intensity as to create a distraction or nuisance for motorists.

(5) Displays shall not emulate traffic control devices.

(6) Such Signs shall contain a default design that will freeze the Sign in one position or cause it to go dark if a malfunction occurs.

(7) The entire message shall change at once, without scrolling, animation, flashing, blinking or other movement or noise.

(8) The changeable copy portion of any free-standing Monument or Pole Sign shall not exceed eighty percent (80%) of the total area of the Sign.

(9) Any such Sign located within five hundred feet (500') of a residentially zoned district shall be turned off between the hours of 10:00 p.m. and 6:00 a.m.

(Ord. 2012-29. Passed 5-21-12.)

1141.10 LOCATION OF SIGNS.

All Signs shall be located in conformance with the following criteria:

(a) No Signs shall be attached to utility poles, street Signs, or traffic control poles, except in accordance with Section 1141.14(f).

(b) No Signs shall be located within or shall obstruct any public right-of-way, traffic control device, or street identification Signs at intersections, except in accordance with Section 1141.14(f).

(c) No Sign shall be located so as to obstruct sight distances for vehicles entering or exiting any property or traveling on a public street.

(d) No Sign shall be erected or maintained in such a manner that any portion of its surface or its supports will interfere in any way with the free use of access to any fire lane, exit or standpipe, or so as to obstruct any window so that the light or ventilation is reduced below minimum standards required by any applicable law or building code. (Ord. 2010-29. Passed 6-7-10.)

1141.11 PROHIBITED SIGNS.

Signs shall be permitted in each Use District and regulated as to type, size and location as provided in this Chapter. Unless otherwise specifically permitted herein, the following signs are prohibited in all Districts:

(a) Pennants, ribbons, streamers, strings of light bulbs, spinners, or other similar devices;

(b) Mobile, portable, or wheeled Signs;

(c) Signs placed on parked vehicles or trailers for the purpose of advertising a product or business located on the same or adjacent property, excepting an identification Sign which is affixed to a vehicle regularly operated in the pursuance of day-to-day business or activity of an enterprise;

(d) Signs placed, inscribed or supported upon a roof or upon any structure which extends above the roof line of any building;

(e) Inflatable images;

(f) Signs containing flashing, moving, intermittent, or running lights or which imitate traffic control devices provided however, that Changeable Copy Signs shall be permitted;

(g) Signs which employ any part or element which revolves, rotates, whirls, spins, or otherwise makes use of motion to attract attention;

(h) Beacons or searchlights;

(i) High intensity strobe lights;

(j) Signs which hang less than eight and one-half feet (8.5') above a pedestrian walkway or less than fourteen feet (14') above a vehicular path; and

(k) Window Signs except as specifically authorized herein.

(Ord. 2007-108. Passed 4-7-08.)

1141.12 REMOVAL OF SIGNS.

(a) Any owner, part owner, tenant or lessee who suffers a Sign to remain on his property shall be deemed to have knowledge of the erection and nature of the Sign. All Signs of any nature shall be maintained in a state of good repair. No Sign shall be allowed to remain which becomes structurally unsafe, hazardous or endangers the safety of the public or property. Upon determining that a Sign is structurally unsafe, hazardous or endangers the safety of the public or property, the Building Commissioner or his designated agent shall order the Sign to be made safe or removed. The owner of the Sign, the occupant of the premises on which the Sign or structure is located, or the persons or firm maintaining the same shall, upon receipt of written notice from the Building Commissioner or his designated agent, forthwith in the case of immediate danger and in any case within forty-eight (48) hours, secure, repair or remove said Sign or structure in a manner approved by the Building Commissioner. If said person or firm fails to comply with such order within forty-eight (48) hours, the Building Commissioner may remove the Sign at the expense of the owner or lessee.

(b) The Building Commissioner shall order the removal or modification of any Sign erected without a permit or found to be in violation of these regulations. The owner of the Sign, the occupant of the premises on which the Sign or structure is located, or the person or firm maintaining the same shall, upon written notice of such violation from the Building Commissioner or his designated agent, within five (5) days, remove or modify the Sign or structure in a manner approved by the Building Commissioner or his designated agent. If such Sign is not removed or brought into compliance as directed in the notice of violation within five (5) days, the Building Commissioner or his designated agent may, in addition to other remedies provided by law, institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such violation.

(Ord. 2007-108. Passed 4-7-08.)

1141.13 SIGNS IN RESIDENTIAL DISTRICTS (U-1, U-2A, U-3, and U-3A).

(a) Permanent Signs.

(1) Each subdivision development, multiple family development, and/or apartment development shall be permitted one (1) Monument Sign which shall not exceed forty (40) square feet in area nor eight feet (8') in height. Developments which have frontage on two (2) or more streets may be permitted a second Monument Sign provided that the second Monument sign is located on a different street and does not exceed forty (40) square feet in area nor eight feet (8') in height. Monument Signs shall be located a minimum of fifteen feet (15') from the right-of-way line of any street and from any property line, and thirty-five feet (35') from any occupied dwelling unit. Each Monument Sign shall be so designed and constructed of such materials as to be compatible with the character of the residential neighborhood. The base and foundation of each Monument Sign shall be landscaped with plant material as approved by the Building Commissioner.

(2) Signs in U-3A Districts. The following signs are permitted only in U-3 and U-3A Districts:

A. Residential Monument Sign or Wall Sign. Each residential building in a U-3A District shall be permitted one (1) Sign, which may be either a Wall or Monument sign. Such Sign shall not exceed twenty (20) square feet in area nor five feet (5') in height. Each such Sign shall be located within twenty feet (20') of the entrance to the residential building.

B. Commercial Monument Sign or Wall Sign. One (1) Sign, which may be either a Wall or Monument Sign, shall be permitted at the entrance to the central commercial building in a U-3A District. Such Sign shall not exceed forty (40) square feet in area nor eight feet (8') in height. Each Sign shall be located within twenty feet (20') of the entrance to the central commercial building.

C. Entrance Monument Sign. Each development in a U-3A District shall be permitted one (1) Monument Sign at the entrance to the U-3A District in addition to the one permitted in Section 1141.12(a)(2)(B) above provided such additional Sign shall not exceed twenty-five (25) square feet in area nor five feet (5') in height. Each such Sign shall be located a minimum of ten feet (10') from the right-of-way line of any street or any side lot line.

(3) Signs in U-3C Districts. Signs in the Planned Multi-Family Residential District shall be reviewed and approved by the Commission as part of the final Site Development Plan approval pursuant to Sections 1118.05(d) and 1118.05(e).
(Ord. 2011-170. Passed 3-19-12.)

(b) Temporary Signs.

(1) One Temporary, free-standing Sign may be erected on a site during construction or reconstruction of a building for which a valid building permit has been obtained. Such Sign shall not exceed thirty-two (32) square feet in area nor eight feet (8') in height. Each such Sign shall be located a minimum of ten feet (10') from the right-of-way line of any street or any side lot line and shall be removed within five (5) days of issuance of an Occupancy Permit by the Building Commissioner.

(2) One Temporary free-standing Sign not exceeding four (4) square feet in area and four feet (4') in height may be erected on a site indicating the availability of said site for sale or lease. No permit shall be required for such Signs. (Ord. 2007-108. Passed 4-7-08.)

1141.14 SIGNS IN PUBLIC AND INSTITUTIONAL DISTRICTS (U-5).

(a) Area of Signs. The total area of all permanent Signs for each use, parcel, building or land under common ownership or control shall not exceed one (1) square foot for each lineal foot of the building wall or facade which faces the principal street or contains the main entrance as determined by the Building Commissioner.

(b) Secondary Entrances. Buildings or parcels having frontage or a facade facing a second street, may increase the permitted total Sign area for permanent Signs as calculated herein by fifty percent (50%).

(c) Permanent Signs. Total permanent Sign area may be allocated to any or all of the following sign types subject to the restrictions and requirements set forth herein:

(1) Wall Signs. Wall Signs shall not project more than eighteen (inches (18") in front of the building wall to which they are attached nor shall more than twenty percent (20%) of the Sign's total height be extended above the top of the wall.

(2) Marquee Signs. Marquee Signs may extend above the face or topside, but the vertical dimension of such Sign, including the exposed portion of the face, shall not exceed four feet (4').

(3) Monument Signs. Each use, parcel, building or land under common ownership or control shall be permitted one (1) Monument Sign which shall not exceed forty (40) square feet in area nor eight feet (8') in height. Parcels which have frontage on two (2') or more streets may have a second Monument Sign provided that the second Monument Sign is

located on a different street and does not exceed forty (40) square feet in area nor eight feet (8') in height. Monument Signs shall be located a minimum of ten feet (10') from all property boundary lines and the right-of-way line of any street, and shall be located a minimum of twenty-five feet (25') from any residential zoning district line. Each Monument Sign shall be so designed and constructed of such materials as to be compatible with the architectural treatment of the principal building. The base and foundation of each Monument Sign shall be landscaped with plant material as approved by the Building Commissioner.

(d) Wayfinding Signs. Buildings, lots and parcels with multiple tenants and/or uses may submit a Wayfinding Signage plan to the Commission as part of the Site Development Plan review process. The Commission may, at its sole discretion, authorize the installation of Wayfinding Signs where it deems their use necessary and/or appropriate for guiding traffic flow on the site. Wayfinding Signs approved by the Commission shall not be counted as part of the total permitted sign area as set forth in subsections (a) and (b) hereof. The number, size, height and location of Wayfinding Signs shall be as authorized by the Commission, provided, however, that no such signs shall exceed a maximum of thirty (30) square feet in area or eight feet (8') in height.

(e) Temporary Signs.

(1) One (1) Sign, which may be either a Wall or free-standing Sign, not exceeding twenty (20) square feet in area shall be permitted for each lot for not more than two (2) thirty (30) day periods per year. Free-standing Signs shall not exceed six feet (6') in height nor shall such Signs be located less than ten feet (10') from the public right-of-way line of any street or any side lot line.

(2) One (1) Temporary, free-standing Sign may be erected on a site during construction or reconstruction of a building for which a valid building permit has been obtained. Such Sign shall not exceed forty (40) square feet in area nor eight feet (8') in height. Each such Sign shall be located a minimum of ten feet (10') from the right-of-way line of any street or any side lot line and shall be removed within five (5) days of issuance of an Occupancy Permit by the Building Commissioner.

(3) One (1) Temporary free-standing Sign not exceeding six (6) square feet in area and six feet (6') in height may be erected on a site indicating the availability of said site for sale or lease. A permit shall be obtained from the Building Commissioner for each such Sign; however, said Signs shall not require the approval of the Architectural Review Board.

(f) Temporary, Vertical Banners. Temporary, vertical banners on street poles within the City's right-of-way shall be permitted only in accordance with the following standards:

(1) A permit issued by the Building Department shall be required prior to the installation of any street pole banner. Applications for street pole banner permits shall be submitted to the Building Department on forms provided by the Building Department. The application for a permit must include the written consent of the property owner and pole owner.

(2) Only vertical banners mounted to a single (1) street pole shall be permitted. Horizontal banners extending between two (2) poles shall not be permitted.

(3) Banners are Temporary Signs and shall be permitted for a maximum total period of six (6) months during any calendar year. Applicants must re-apply for a new permit for each calendar year, which will require a new permit to be issued by the Building Department.

(4) Applicants must have a facility, operation or function located on the site for which a banner is requested. Banners shall be permitted only along the street frontage of the applicant.

(5) Banners shall be canvas or vinyl and shall not exceed thirty inches (30”) in width nor eighty-four inches (84”) in height. Temporary, vertical banners shall be placed at a minimum height of fifteen feet six inches (15'6") above grade.

(6) Banners shall be attached to poles using a flexible support system that provides wind-load relief. The support system must be of a type approved by the owner of the street pole. If banners are removed for a period of more than six (6) months, the mounting system must be removed.

(7) Installation of banners shall be performed by a qualified contractor authorized by both the City and the Pole Sign owner to perform such work. Installations shall be performed during non-peak traffic times as authorized by the City.

(8) The Architectural Board of Review reserves the right to approve the message and image content of all banners proposed to be placed within the public right-of-way. Banners may provide information and identification regarding the approved institutional use and community and/or civic events. No commercial advertising shall be permitted on any street pole banner. Identification of sponsors may be permitted, but such identification shall not exceed a maximum of twenty percent (20%) of the total area of the banner.

(9) Applicants shall be responsible for the continued maintenance of banners. The City may, at any time, order banners that are damaged or is disrepair to be replaced or removed. The City may remove banners that are unsightly or are determined to be hazardous.

(10) A maximum of one (1) banner shall be permitted on any street pole.

(11) City approval of banners is separate from approval by the Pole Sign owner.

(Ord. 2010-29. Passed 6-7-10.)

1141.15 SIGNS IN INTEGRATED BUSINESS DISTRICTS (U-4A,).

(a) Area of Signs. The total area of all permanent Signs for each use, parcel, building, or land under common ownership or control shall not exceed three (3) square feet for each lineal foot of the building wall or facade which faces the principal street or contains the main entrance as determined by the Building Commissioner up to eighty lineal feet (80’) and one (1) square foot of each additional lineal foot of building wall or facade in excess of eighty feet (80’).

(b) Secondary Entrances. Buildings or parcels having frontage or a facade facing a second street, may increase the permitted total sign area for permanent Signs as calculated herein by fifty percent (50%).

(c) Permanent Signs. Total permanent Sign area may be allocated to any or all of the following Sign types subject to the restrictions and requirements set forth herein:

(1) Wall Signs. Wall Signs shall not project more than eighteen inches (18”) in front of the building wall to which they are attached nor shall more than twenty percent (20%) of the Sign's total height be extended above the top of the wall.

(2) Marquee Signs. Marquee Signs may extend above the face or topside, but the vertical dimension of such sign, including the exposed portion of the face, shall not exceed four feet (4’).

(3) Monument Signs. Each use, parcel, building, or land under common ownership or control shall be permitted one (1) Monument Sign which shall not exceed forty (40) square feet in area nor eight feet (8’) in height. Parcels which have frontage on two or more streets may have a second Monument Sign provided that the second Monument Sign is located on a

different street and does not exceed forty (40) square feet in area nor eight feet in height (8').

Monument Signs shall be located a minimum of ten feet (10') from all property boundary lines and the public right-of-way, and shall be located a minimum of twenty-five feet (25') from any residential zoning district line. Each Monument Sign shall be so designed and constructed of such materials as to be compatible with the architectural treatment of the principal building. The base and foundation of each Monument Sign shall be landscaped with plant material as approved by the Building Commissioner.

(4) Window Signs. Window Signs shall be limited to one (1) such sign per use or tenant which sign shall not exceed a maximum of four (4) square feet in area.

(d) Wayfinding Signs. Buildings, lots, and parcels with multiple tenants and/or uses may submit a Wayfinding Signage plan to the Commission as part of the Site Development Plan review process. The Commission may, at its sole discretion, authorize the installation of Wayfinding Signs where it deems their use necessary and/or appropriate for guiding traffic flow on the site. Wayfinding Signs approved by the Commission shall not be counted as part of the total permitted sign area as set forth in Subsections (a) and (b) hereof. The number, size, height, and location of Wayfinding Signs shall be as authorized by the Commission, provided however, that no such Signs shall exceed a maximum of thirty (30) square feet in area or eight feet (8') in height.

(e) Temporary Signs.

(1) One (1) Sign, which may be either a Wall or free-standing Sign, not exceeding twenty (20) square feet in area shall be permitted for each lot for not more than two (2) thirty (30) day periods per year. Free-standing Signs shall not exceed six feet (6') in height nor shall such Signs be located less than ten feet (10') from the public right-of-way line of any street or any side lot line.

(2) One (1) Temporary free-standing Sign may be erected on a site during construction or reconstruction of a building for which a valid building permit has been obtained. Such Sign shall not exceed forty (40) square feet in area nor eight feet (8') in height. Each such Sign shall be located a minimum of ten feet (10') from the right-of-way line of any street or any side lot line and shall be removed within five (5) days of completion of construction or issuance of an Occupancy Permit by the Building Commissioner.

(3) One (1) Temporary free-standing Sign not exceeding six (6) square feet in area and six feet (6') in height may be erected on a site indicating the availability of said site for sale or lease. A permit shall be obtained from the Building Commissioner for each such Sign, however, said signs shall not require the approval of the Architectural Review Board

(Ord. 2007-108. Passed 4-7-08.)

1141.16 SIGNS IN SHOPPING CENTER DISTRICTS (U-4B).

(a) Area of Signs. The total area of all permanent Signs shall not exceed one (1) square foot for each lineal foot of exterior perimeter wall of the main mall building as determined by the Building Commissioner. Total permanent Sign area may be allocated to any or all of the Sign types in Subsections (b) through (e) subject to the restrictions and requirements set forth herein.

(b) Wall Signs. Wall Signs shall not project more than eighteen inches (18") in front of the building wall to which they are attached. Wall Signs may be backlit or externally illuminated. If internally illuminated, only letters and logos shall transmit light, backgrounds shall remain solid opaque. Wall Signs may include any or all of the following:

(1) Mall Signs. Wall Signs may be permitted on the main mall building only to identify mall entrances and for anchor tenants with exterior entrances.

(2) Streetscape Tenant Signs. Wall Signs for streetscape tenants with exterior entrances shall not exceed one (1) square foot per lineal foot of store frontage nor shall the length of such signs be more than seventy percent (70%) of the store frontage. Lighting of streetscape tenant signage shall be turned off during nonbusiness hours.

(3) Restaurant Signs. Wall Signs for free-standing restaurants shall not exceed one (1) square foot per lineal foot of wall frontage nor shall the length of any such Signs be more than seventy percent (70%) of the length of the wall to which it is attached. Illuminated restaurant signs shall be turned off during nonbusiness hours.

(c) Monument Signs. The mall development shall be permitted a total of two (2) Monument Signs, which shall not exceed forty-eight (48) square feet in area nor ten feet (10') in height. One such Monument Sign may be located at the intersection of Cedar Road and George Zeiger Drive and the other at the intersection of Richmond Road and George Zeiger Drive. Monument Signs shall be located a minimum of ten feet (10') from all property boundary lines and the public right-of-way. Each Monument Sign shall be so designed and constructed of such materials as to be compatible with the architectural treatment of the principal mall building. The base and foundation of each Monument Sign shall be landscaped with plant material as approved by the Commission.

(d) Entrance Identification Signs. The mall development shall be permitted two (2) entrance identification Signs at each driveway entrance to the site. Entrance identifications Signs shall not exceed forty-eight (48) square feet in area nor eight feet (8') in height and shall be located a minimum of ten feet (10') from all property boundary lines and the public right-of-way. Each entrance identification sign shall be so designed and constructed of such materials as to be compatible with the architectural treatment of the principal mall building. The base and foundation of each entrance identification sign shall be landscaped with plant material as approved by the Commission.

(e) Window Signs. Window Signs shall be limited to one (1) such Sign per use or tenant which Sign shall not exceed a maximum of four (4) square feet in area.

(f) Wayfinding Signs. The mall development shall submit a Wayfinding Signage plan to the Commission as part of the Site Development Plan review process. The Commission may, at its sole discretion, authorize the installation of Wayfinding signs where it deems their use necessary and/or appropriate for guiding traffic flow on the site. The Wayfinding Sign plan may include Monument identification Signs for freestanding tenants, provided that such Signs are located adjacent to the use and do not exceed twenty-four (24) square feet in area nor eight feet (8') in height. Wayfinding Signs approved by the Commission shall not be counted as part of the total permitted sign area as set forth in Subsection (a) hereof. The number, size, height, and location of Wayfinding Signs shall be as authorized by the Commission, provided however, that no such signs shall exceed a maximum of forty-eight (48) square feet in area or twelve feet (12') in height.

(g) Temporary Signs. Temporary Signs may be approved from time to time for such duration and in such manner as specifically authorized by the Safety Director and Building Commissioner. Temporary Signs shall require the approval of the Architectural Review Board.

1141.17 SIGNS IN OFFICE BUILDING AND INDUSTRIAL DISTRICTS (U-7A, U-8, U-8A).

(a) Area of Signs. The total area of all permanent Signs for each use, parcel, building, or land under common ownership or control shall not exceed one (1) square foot for each lineal foot of the building wall or facade which faces the principal street

or contains the main entrance as determined by the Building Commissioner.

(b) Secondary Entrances. Buildings or parcels having frontage or a facade facing a second street, may increase the permitted total Sign area for permanent Signs as calculated herein by fifty percent (50%).

(c) Permanent Signs. Total permanent Sign area may be allocated to any or all of the following Sign types subject to the restrictions and requirements set forth herein:

(1) Wall Signs. Wall Signs shall not project more than eighteen inches (18") in front of the building wall to which they are attached nor shall more than twenty percent (20%) of the Sign's total height be extended above the top of the wall.

(2) Projecting Signs. Projecting Signs shall be limited to one (1) Sign for each establishment or store front and shall not exceed a maximum of eight (8) square feet in area. Any face of a Projecting Sign shall be not less than five feet (5') from a side lot line or party wall of another store unit. The amount of projection from the wall surface shall be as determined by the Building Commissioner. Projecting Signs shall not extend above the roof line of the building to which they are affixed.

(3) Marquee Signs. Marquee Signs may extend above the face or topside, but the vertical dimension of such Sign, including the exposed portion of the face, shall not exceed four feet (4').

(4) Monument Signs. Each use, parcel, building, or land under common ownership or control shall be permitted one (1) Monument Sign which shall not exceed forty (40) square feet in area nor eight feet (8') in height. Parcels which have frontage on two or more streets may have a second Monument Sign provided that the second Monument Sign is located on a different street and does not exceed forty (40) square feet in area nor eight feet (8') in height. Monument Signs shall be located a minimum of ten feet (10') from the right-of-way line of any street and all property boundary lines, and shall be located a minimum of twenty-five feet (25') from any residential zoning district line. Each Monument Sign shall be so designed and constructed of such materials as to be compatible with the architectural treatment of the principal building. The base and foundation of each Monument Sign shall be landscaped with plant material as approved by the Building Commissioner.

(5) Window Signs. Window Signs shall be limited to one (1) such Sign per use or tenant which Sign shall not exceed a maximum of four (4) square feet in area.

(d) Wayfinding Signs. Buildings, lots, and parcels with multiple tenants and/or uses may submit a Wayfinding Signage plan to the Commission as part of the Site Development Plan review process. The Commission may, at its sole discretion, authorize the installation of Wayfinding Signs where it deems their use necessary and/or appropriate for guiding traffic flow on the site. Wayfinding Signs approved by the Commission shall not be counted as part of the total permitted Sign area as set forth in subsections (a) and (b) hereof. The number, size, height, and location of Wayfinding Signs shall be as authorized by the Commission, provided however, that no such Signs shall exceed a maximum of thirty (30) square feet in area or eight feet (8') in height.

(e) Temporary Signs.

(1) One sign, which may be either a Wall or free-standing Sign, not exceeding twenty (20) square feet in area shall be permitted for each lot for not more than two (2) thirty (30) day periods per year. Free-standing Signs shall not exceed six feet (6') in height nor shall such Signs be located less than ten feet (10') from the right-of-way line of any street or any side lot line.

(2) One Temporary free-standing Sign may be erected on a site during construction or reconstruction of a building for which a valid building permit has been obtained. Such Sign shall not exceed forty (40) square

feet in area nor eight feet (8') in height. Each such Sign shall be located a minimum of ten feet (10') from the right-of-way line of any street or any property line and shall be removed within five (5) days of issuance of an Occupancy Permit by the Building Commissioner.

(3) One Temporary free-standing Sign not exceeding six (6) square feet in area and six feet (6') in height may be erected on a site indicating the availability of said site for sale or lease. A permit shall be obtained from the Building Commissioner for each such Sign, however, said Signs shall not require the approval of the Architectural Review Board.
(Ord. 2007-108. Passed 4-7-08.)

1141.18 SIGNS IN MOTOR SERVICE DISTRICTS (U-9).

(a) Area of Signs. The total area of all permanent Signs for each use, parcel, building, or land under common ownership or control shall not exceed three (3) square feet for each lineal foot of the building wall or facade which faces the principal street or contains the main entrance as determined by the Building Commissioner up to eighty lineal feet (80') and one (1) square foot of each additional lineal foot of building wall or facade in excess of eighty feet (80').

(b) Secondary Entrances. Buildings or parcels having frontage or a facade facing a second street, may increase the permitted total sign area for permanent Signs as calculated herein by twenty-five percent (25%).

(c) Permanent Signs. Total permanent Sign area may be allocated to any or all of the following Sign types subject to the restrictions and requirements set forth herein:

(1) Wall Signs. Wall Signs shall not project more than eighteen inches (18") in front of the building wall to which they are attached nor shall more than twenty percent (20%) of the Sign's total height be extended above the top of the wall.

(2) Marquee Signs. Marquee Signs may extend above the face or topside, but the vertical dimension of such Sign, including the exposed portion of the face, shall not exceed four feet (4').

(3) Monument Signs. Each use, parcel, building, or land under common ownership or control shall be permitted one (1) Monument Sign which shall not exceed forty (40) square feet in area nor eight feet (8') in height. Parcels which have frontage on two (2) or more streets may have a second Monument Sign provided that the second Monument Sign is located on a different street and does not exceed forty (40) square feet in area nor eight feet (8') in height. Monument Signs shall be located a minimum of ten feet (10') from all property boundary lines and the public right-of-way, and shall be located a minimum of twenty-five feet (25') from any residential zoning district line. Each Monument Sign shall be so designed and constructed of such materials as to be compatible with the architectural treatment of the principal building. The base and foundation of each Monument Sign shall be landscaped with plant material as approved by the Building Commissioner.

(4) Window Signs. Window Signs shall be limited to one (1) such sign per use or tenant which Sign shall not exceed a maximum of four (4) square feet in area.

(5) Pole Signs. One (1) Pole Sign shall be permitted on a parcel which contains a permitted U-9 use and which directly abuts the freeway right-of-way. Pole Signs shall not exceed fifty feet (50') in height or three hundred (300) square feet in area per Sign face. The maximum number of faces on any Pole Sign shall be two (2). Pole Signs shall be setback a minimum of twenty feet (20') from any property line and must be located a minimum of two hundred feet (200') from any other Pole Sign. Such Pole Signs shall only be used to identify or advertise U-9 uses. Pole Signs shall not be calculated as part of the maximum area of permitted signage

under Section 1141.16(a).

(6) Changeable Copy Signs. Automobile agencies with new and used vehicle sales and service shall be permitted one (1) permanent Monument Changeable Copy Sign with a maximum of two (2) faces which shall not exceed forty (40) square feet in area per face and which shall not exceed a maximum of eight feet (8') in total height. Said Sign shall be in addition to such other signage as may be authorized herein, and shall not be included in the calculation of maximum Sign area. Such Sign shall be placed on a permanent foundation and may be illuminated.

(d) Temporary Signs.

(1) One (1) Temporary Sign, which may be either a Wall or free-standing Sign, not exceeding twenty (20) square feet in area shall be permitted for each lot for not more than two (2) thirty (30) day periods per year. Free-standing Signs shall not exceed six feet (6') in height nor shall such Signs be located less than ten feet (10') from the public right-of-way line of any street or any side lot line.

(2) One (1) Temporary, free-standing Sign may be erected on a site during construction or reconstruction of a building for which a valid building permit has been obtained. Such Sign shall not exceed forty (40) square feet in area nor eight feet (8') in height. Each such Sign shall be located a minimum of ten feet (10') from the right-of-way line of any street or any side lot line and shall be removed within five (5) days of issuance of an Occupancy Permit by the Building Commissioner.

(3) One (1) Temporary, free-standing Sign not exceeding six (6) square feet in area and six feet (6') in height may be erected on a site indicating the availability of said site for sale or lease. A permit shall be obtained from the Building Commissioner for each such Sign, however, said Signs shall not require the approval of the Architectural Review Board

(e) Wayfinding Signs. Buildings, lots, and parcels with multiple tenants and/or uses may submit a Wayfinding Signage plan to the Commission as part of the Site Development Plan review process. The may, at its sole discretion, authorize the installation of Wayfinding Signs where it deems their use necessary and/or appropriate for guiding traffic flow on the site. Wayfinding Signs approved by the Commission shall not be counted as part of the total permitted Sign area as set forth in subsections (a) and (b) hereof. The number, size, height, and location of Wayfinding Signs shall be as authorized by the Commission, provided however, that no such signs shall exceed a maximum of thirty (30) square feet in area or eight feet (8') in height.
(Ord. 2013-17. Passed 5-20-13.)

1141.19 SIGNS IN PLANNED MIXED-USE DEVELOPMENT DISTRICTS (U-10).

Signs in the Planned Mixed Use Development District shall be reviewed and approved by the Commission as part of Site Development Plan approval pursuant to Section 1132.07(c). (Ord. 2007-108. Passed 4-7-08.)

1141.20 NONCONFORMING SIGNS.

Signs which were legally in existence prior to the effective date of this Chapter, but which do not conform with the provisions hereof, may be maintained as a matter of right provided that such Signs comply with the provisions of Part Thirteen of the Building Code regarding safety, maintenance, and repair. Normal maintenance such as painting, cleaning, or minor repairs shall be permitted on all such nonconforming signs. Relocation or replacement of a nonconforming Sign or any alteration in the size or structure of such Sign, shall cause the Sign to lose its status as legally nonconforming and said Sign shall be immediately brought into compliance with this Chapter. (Ord. 2007-108. Passed 4-7-08.)

CHAPTER 1143
Lots

1143.01 Lot area per dwelling unit.
1143.02 Width of lot in residence districts.
1143.03 Depth of lot.
1143.04 Building permits.

CROSS REFERENCES
Lot defined - see P. & Z. 1101.04
Area districts established - see P. & Z. 1111.01
Building permits, fees and deposits - see BLDG. Ch. 1329

1143.01 LOT AREA PER DWELLING UNIT.

(a) In a Class A-1 Area District, no Dwelling Unit shall be erected or altered to accommodate or make provision for more than one (1) Dwelling Unit for each one (1) acre of area of lot, except that one (1) single Dwelling Unit may be erected on any lot containing 18,000 square feet of area or more except further that one (1) Dwelling Unit may be erected on any lot separately owned at the time of the passage of this section (Ordinance 1953-27, passed May 18, 1953), or on any numbered lot in a recorded subdivision that was on record in the office of the County Recorder at the time of the passage of this section, a dedication of the streets of which subdivision was accepted for public use by Council.

(b) In a Class A-2 Area District, no Dwelling Unit shall be erected or altered to accommodate or make provision for more than one (1) family for each 9,000 square feet of area of the lot, provided that one single-family dwelling may be erected on any lot separately owned at the time of the passage of this section, or on any numbered lot in a recorded subdivision that was on record in the office of the County Recorder at the time of the passage of this section, a dedication of the streets of which subdivision was accepted for public use by Council.
(Ord. 1953-27. Passed 5-18-53.)

1143.02 WIDTH OF LOT IN RESIDENCE DISTRICTS.

In a Class A-1 Area District, no Dwelling Unit shall be erected on a lot having an average width of less than one hundred twenty-five feet (125') , except that when such lot is serviced by a sanitary sewer, no dwelling shall be erected on a lot having an average width of less than one hundred feet (100'). In a Class A-2 Area District, no Dwelling Unit shall be erected on a lot having an average width of less than sixty feet (60'), unless such lot was separately owned at the time of the passage of this section (Ordinance 1953-27, passed May 18, 1953), or unless such lot is a numbered lot in a subdivision that was on record in the office of the County Recorder at the time of the passage of this section and for which a dedication of the streets in such allotment was made for public use and accepted by Council. (Ord. 1953-27. Passed 5-18-53.)

1143.03 DEPTH OF LOT.

In a Class A-1 Area District, no Dwelling Unit shall be erected on a lot having an average depth of less than three hundred feet (300'), accept that when such lot is serviced by a sanitary sewer, no Dwelling Unit shall be erected unless the average depth of such lot is not less than one hundred eighty feet (180'), and, when the lot is serviced by a septic tank, the area of such lot shall be not less than one hundred twenty five feet (125') by three hundred feet (300') (37,500 square feet or 0.860 acre). In Class A-1 and in Class A-2 Area Districts, no Dwelling Unit shall be erected on a lot having an average depth of more than three and one-half times (3.5) the average width. These provisions shall not apply if such lot was separately owned at the time of the passage of this section (Ordinance 1953-27, passed May 18, 1953), or if such lot is a

numbered lot in a subdivision that was on record in the office of the County Recorder at the time of the passage of this section and for which a dedication of the streets in such allotment was made for public use and accepted by Council. (Ord. 1953-27. Passed 5-18-53.)

1143.04 BUILDING PERMITS.

No permit shall be issued for a building or a use on a lot unless such lot has a frontage upon a public highway or upon a public street which has been duly dedicated and accepted for public use and which meets minimum City standards of improvement so as to insure adequate and satisfactory access to such lots, according to specifications approved by Council.
(Ord. 1951-41. Passed 6-25-51.)

CHAPTER 1144
OFF-STREET PARKING AND LOADING FACILITIES

1144.01	Purpose and intent.	1144.05	Minimum parking lot design standards.
1144.02	Location of parking facilities.	1144.06	Off-street loading facilities.
1144.03	Site access and driveways.	1144.07	Required off-street parking.
1144.04	Accessibility.		

1144.01 PURPOSE AND INTENT.

The following requirements are provided so that required off-street parking and loading facilities shall be developed in such manner as to interfere as little as possible with the use and enjoyment of neighboring properties and with pedestrian and vehicular traffic within public rights-of-way.

1144.02 LOCATION OF PARKING FACILITIES.

Parking facilities shall be located on the same lot as the main building or use served, provided however, that the Commission may authorize joint or shared use of parking facilities by two (2) or more uses provided there are legal agreements approved by the Law Director setting forth access, use and maintenance provisions for such facilities. The Commission may also authorize the Special Redevelopment Overlay Use provisions in U-8 Districts.

1144.03 SITE ACCESS AND DRIVEWAYS.

(a) The location, number and width of entrance and exit driveways to parking facilities shall be planned to minimize interference with the use of adjacent properties and with the public rights-of-way. All curb cuts or access locations shall be subject to the review and approval of the Commission which may require recommendations from the Engineer and/or the Police Department. To minimize impacts on public rights-of-way, the centerline of access driveways shall be located as far as practical from street intersections. Exit driveways shall be located so as to have adequate clear sight distance on the public street.

(b) Entrances and exits shall be limited to a maximum of three (3) lanes. The width of such entrances and exits shall conform to the following schedule:

	Width (in feet)	
	Minimum	Maximum
One (1) lane	12	14
Two (2) lanes	20	24
Three (3)lanes	30	36

(c) The location and width of entrance and exit driveways to parking facilities shall be planned, whenever possible, so that the centerline of the access driveways on the frontage street of a corner lot shall be at least forty feet (40') from the right-of-way line of the nearest intersecting street.

(d) All access drives and parking areas shall be designed to provide appropriate accessibility for emergency vehicles as determined by the Fire and Rescue Chief.

(e) All parking lots shall be screened from adjacent residentially zoned properties in a manner approved by the Commission.

1144.04 ACCESSIBILITY.

Handicapped parking spaces and access shall be provided, designed, located, and identified in accordance with the requirements of the Americans with Disabilities Act.

1144.05 MINIMUM PARKING LOT DESIGN STANDARDS.

(a) A parking space shall be not less than one hundred and eighty (180) square feet (minimum of nine feet (9') by twenty feet (20')) exclusive of drives and turning spaces.

(b) All parking areas and driveways shall be provided with an asphalt, concrete or other similar hard surface designed in accordance with criteria established by the Engineer. All drive aprons shall be concrete. All parking areas and driveways shall be graded and drained to provide positive drainage away from buildings, to prevent runoff onto adjacent properties, and to direct storm water to an approved inlet.

(c) Concrete or stone curbs at least six inches (6") above the level of the surface of the parking area and at least twelve inches (12") below the surface shall be provided to define the limits of the parking area except at exits and entrances. Such curbs shall be at least six inches (6") thick.

(d) Drive aisles providing direct access to parking spaces shall be a minimum of twenty-four feet (24') in width. On-site drive aisles that do not provide access to individual parking spaces shall be a minimum of twenty feet (20') in width.

(e) All parking facilities with a capacity of over ten (10) vehicles shall have permanent pavement markings to delineate the spaces. All parking areas containing more than forty (40) spaces shall contain planting strips or islands to interrupt the mass of paved area, aid in controlling the flow of traffic, and provide visual quality. A minimum of five (5) square feet of landscaped area shall be provided within the parking area for each one hundred (100) square feet of vehicle use area.

(f) Sources of light for illumination of buildings or grounds shall be shielded so that the light source is not directly visible from residential property and light spillage at the property line shall not be greater than 0.1 foot candles and shall be installed in conformance with a lighting plan approved by the Commission.

1144.06 OFF-STREET LOADING FACILITIES.

(a) Loading facilities shall be located on the same lot as the main building or use served and shall be located so that no public street or sidewalk will be occupied during the loading or unloading process.

(b) Off-street loading spaces shall be provided with surface improvements as required for parking areas in Section 1144.05.

(c) Off-street loading facilities shall not be located in the required front, side and rear yards, and the loading space shall not be used for repairing or servicing of motor vehicles. Space required and allocated for off-street loading shall not be allocated or used to satisfy the space requirements for off-street parking.

(d) A space or spaces shall be provided within the structure of such dimensions as to accommodate the trucks employed for loading or unloading goods for the particular use. Each space shall have a vertical clearance of at least fourteen feet (14').

(e) Loading spaces and service areas shall be screened from view from public rights-of-way to the greatest extent possible with screen walls, landscaping, or other approved methods.

(f) Loading areas shall be designed to provide adequate maneuvering area for service vehicles.

1144.07 REQUIRED OFF-STREET PARKING.

(a) Off-street parking spaces shall be provided in accordance with the following

schedule:

SCHEDULE OF REQUIRED OFF-STREET PARKING	
USE	**MINIMUM PARKING SPACES**
RESIDENTIAL	
Single Family Detached Dwellings	1 Enclosed Garage Space plus 1 driveway space per Dwelling Unit (See Section 1144.07(f))
Single Family Attached Dwellings	2 Enclosed Garage Spaces plus 1 driveway parking space per Dwelling Unit
Multi-Family Dwellings	2 Spaces per Dwelling Unit
INSTITUTIONAL	
Government Facilities	1 Space for each 300 Square Feet of Gross Floor Area
Recreation Facilities and Community Centers	1 Space for each 400 Square Feet of Gross Floor Area
Primary Schools	2 Spaces per Classroom plus 1 space for each 200 square feet of Administrative Office space
Secondary Schools	6 Spaces per Classroom plus 1 space for each 200 square feet of Administrative Office space
Colleges	10 Spaces per Classroom plus 1 space for each 200 square feet of Administrative Office space
Nursing Homes	1 Space per Bed
Assisted Living Facilities	1 Space for each 1.5 Living Units
Places of Worship	1 Space for each 300 Square Feet of Gross Floor Area
Libraries	1 Space for each 300 Square Feet of Gross Floor Area
Museums	1 Space for each 400 Square Feet of Gross Floor Area
Child Day Care Centers	Per Section 1155.02
Adult Day Care Centers	Per Section 1155.03
Licensed Health Care Facilities	1 Space for each 150 Square Feet of Gross Floor Area

Postal and Package Delivery Facilities	1 Space for each 250 Square Feet of Gross Floor Area
Public Utility Facilities	As determined by the Commission
RETAIL AND OFFICE	
Retail Stores	1 Space for each 200 Square Feet of Gross Floor Area
Restaurants	1 Space for each 2 Seats at maximum permissible occupancy, provided however that parking for outdoor seating areas shall be provided at 1 space for each 4 Seats.
Personal and Business Services	1 Space for each 250 Square Feet of Gross Floor Area
Banks and Financial Institutions	1 Space for each 200 Square Feet of Gross Floor Area
Regional Fashion Shopping Center (Enclosed Mall)	4 Spaces per 1,000 Square Feet of Gross Leasable Area. (See Section 1144.07(e))
Indoor Recreation Facilities	1 Space for each 200 Square Feet of Gross Floor Area
Specialty Schools, Private Schools, and Training Facilities	1 Space for each 200 Square Feet of Gross Floor Area
Dance Studios	1 Space for each 200 Square Feet of Gross Floor Area
Athletic Facilities, Fitness Centers, and Health Spas	1 Space for each 250 Square Feet of Gross Floor Area
Automobile Agencies	1 Space for each 400 Square Feet of Gross Floor Area
Gasoline Service Stations	1 Space for each 200 Square Feet of Gross Floor Area exclusive of service bays. Fueling areas shall not be considered parking spaces.
Hotels and Motels	1 Space per Lodging Unit plus 1 Space per Employee.
Meeting and Conference Facilities	1 Space for each 3 Seats at maximum permitted capacity.
Offices other than Medical Offices	1 Space for each 250 Square Feet of Gross Floor Area

Professional Medical Offices	1 Space for each 150 Square Feet of Gross Floor Area, provided however, that where Medical Offices constitute less than 25% of the gross floor area of a building parking shall be provided at 1 Space for each 200 Square Feet of Gross Floor Area.
Photographic Studios	1 Space for each 300 Square Feet of Gross Floor Area
Interior Decorating and Design Services	1 Space for each 400 Square Feet of Gross Floor Area
Recording and Broadcasting Studios	1 Space for each 300 Square Feet of Gross Floor Area
Art Studios and Galleries	1 Space for each 300 Square Feet of Gross Floor Area
WAREHOUSE AND MANUFACTURING	
Research and Development Laboratories and Testing Facilities	1 Space for each 400 Square Feet of Gross Floor Area
Wholesale Businesses and Showrooms	1 Space for each 400 Square Feet of Gross Floor Area, provided that Retail Sales areas associated with Wholesale Business shall provide 1 Space for each 250 Square Feet of dedicated retail space.
Storage and Distribution Facilities	1 Space for each 400 Square Feet of Gross Floor Area
Manufacturing, Fabrication and Assembly Operations	1 Space for each 400 Square Feet of Gross Floor Area
Printing, Publishing, and Engraving	1 Space for each 400 Square Feet of Gross Floor Area
Copy, Blueprinting, and Reproduction Services	1 Space for each 300 Square Feet of Gross Floor Area

(b) The gross floor area of a building shall be the total area of all floors, including the basement, measured from the exterior faces of the building. For the purpose of computing required off-street parking, gross floor area shall not include atriums not used for retail or office space, and ten percent (10%) of the gross floor area shall be deducted as an allowance for stairwells, elevators, restrooms, janitorial storage space, mechanical rooms and other similar spaces. Where the

computation of required parking spaces results in a fractional unit, one (1) additional parking space shall be provided.

(c) An applicant for a Site Development Plan approval may submit information which projects the parking demand for a proposed use and may request approval for construction of parking which is less than required herein. The request shall include a detailed drawing of a complete parking layout and identifying those areas proposed for immediate construction and those to be temporarily retained in landscaped open space. The Commission may approve a total parking layout, which permits a portion of the required parking spaces to be land banked and temporarily retained in landscaped open space. Prior to approval of the plan, the applicant shall make a written commitment to construct the additional parking at such time as the Building Commissioner determines that the parking is necessary for the operation of the use.

(d) Where a specific use is not identified in the table in Subsection 1144.07(a), the required number of parking spaces shall be determined by the Commission and such determination shall be based upon the nature and capacity of the proposed use or development and the anticipated number of employees, customers, and/or users.

(e) Gross leasable area of a Regional Fashion Shopping Center shall be the total area of all floors designed for tenant occupancy and exclusive use but does not include common areas such as arcades, stairwells, elevators, and mechanical equipment rooms, nor does it include hotel rooms or residential dwelling units. Parking for hotel rooms and residential dwellings shall be provided at the rates shown in Section 1144.07(a) for such uses.

(f) Single Family dwellings designed and constructed as part of a Cluster Development Alternative shall provide a minimum of two (2) enclosed garage parking spaces and one (1) driveway parking space per dwelling unit.

CHAPTER 1145
Yards and Lines

1145.01 Side yards.
1145.02 Front yards; building lines.

CROSS REFERENCES

Yard definitions - see P. & Z. 1101.03
Single-Family House District (Class U-1) rear yards - see P. & Z. 1113.03
Apartment House District (Class U-3) yards - see P. & Z. 1117.01
Integrated Business District (Class U-4A) yards - see P. & Z. 1121.03(b)
Shopping Center District (Class U-4B) yards - see P. & Z. 1123.02(d)
General Office Building District (Class U-7A) yards - see P. & Z. 1127.03(b)
Limited Storage and Manufacturing District (Class U-8) yards - see P. & Z. 1129.03(b)
Motor Service District (Class U-9) yards - see P. & Z. 1131.05

1145.01 SIDE YARDS.

For each building erected, there shall be a side yard along each lot line other than a front or rear line. The least dimension of the side yard provided for herein shall not be less than three feet (3') on one (1) side and not less than eight feet (8') on the remaining side, and at least twenty-five percent (25%) of the lot width at the setback line shall be devoted to the side yard, but not more than twenty-five feet (25') of such width need be so devoted.
(Ord. 1951-87. Passed 12-3-51.)

1145.02 FRONT YARDS; BUILDING LINES.

Between the building line and the street line no building or portion of a building extending above the established grade may be erected. On a corner lot between the building line and the street line, and within the triangular space included between the street line, for a distance of twenty-five feet (25') from their point of intersection, no fence or other structure more than three feet (3') in height above the plane of the established grade shall hereafter be erected, and no shrubs or foliage shall be maintained that, in the judgment of the Building Commissioner, will materially obstruct the view of a driver of a vehicle approaching the intersection and within seventy-five feet (75') of the center of such intersection, of approaching cross traffic which is within seventy-five feet (75') of the center of such intersection. Amend the City Zoning Map by eliminating all front setback lines shown and amending the legend box by eliminating the front setback designations for U-1, A-1 and U-1, A-2 Districts.
(Ord. 2008-100. Passed 11-17-08.)

CHAPTER 1146
Fences, Landscaping and Driveways

1146.01 Definitions.
1146.02 Fences.
1146.03 Landscaping.
1146.04 Driveways in Class U-1 Districts.
1146.99 Violations and penalties.

CROSS REFERENCES
Electric and barbed wire fences - see GEN. OFF. 660.12
Swimming pool enclosures - see BLDG. 1335.13

1146.01 DEFINITIONS.

Terms as used in this chapter shall have the following meanings:(a) "Decorative or Ornamental Fence" means any type of free-standing open fence, except chain-link and wire fences.

(b) "Fence" means an elevated partition or barrier separating one lot from another lot or parts of the same lot and includes the material used for the fence, its support members and all related parts.

(c) "Fence Height" shall be measured from the existing predominant and prevailing ground grade level to the top of the fence. No berm, mound or base shall be created or constructed for the purpose of erecting a fence thereon so as to increase the permitted height of the fence from the level of the then existing natural grade.

(d) "Free-standing Fence" means a fence which is not connected at any point to the main building on the property.

(e) "Growing Landscaping" means grass, trees, bushes and other living plants.

(f) "Hardscape" means patios, walkways, fountains, decks, and other improved surfaces.

(g) “Open Fence” means a fence with at least twenty-five percent (25%) aggregate opening over the surface area of the fence with all openings equally distributed.

(h) "Snow Fence" means a flexible temporary wood and wire barrier which has an aggregate opening of fifty percent (50%) over the surface area of the fence and is designed and used for the sole purpose of limiting snow from drifting.

1146.02 FENCES.

(a) Permitted Materials: Fences shall be constructed of wood, steel, aluminum, or PVC (polyvinyl chloride), formulated to resist impact and approved for ultraviolet stabilization, meeting requirements of ASTM D638. All fencing shall be structurally able to withstand weather conditions.

(b) Fences Permitted In U-1, U-2A, U-3, and U-3A Use Districts: Fences are permitted on property zoned Class U-1, U-2A, U-3, and U-3A according to the following regulations:

(1) Along side and rear lot lines, but not greater than six feet (6’) in height where abutting land is zoned Class U-1, U-2A, U-3, or U-3A.

(2) Along side and rear lot lines, but not greater than eight feet (8’) in height where the abutting land is zoned in any non-residential Use District.

(3) Within the rear yard, but not greater than six feet (6’) in height.

(4) Ornamental fences within front yards provided that:

A. An ornamental fence by itself, or with other structures, shall not completely enclose any area of a required front yard.

B. An ornamental fence shall not be located closer to any side lot line than the foundation wall on that side of the house.

C. No ornamental fence shall be erected closer than twenty feet (20') from the front property line.

D. The total of all ornamental fencing within the required front yard setback shall be less than fifty percent (50%) of the width of the lot.

(5) Ornamental fences in the street side yard of corner lots, but not greater than six (6) feet in height or closer than twenty (20) feet from the right-of-way line.

(c) Fences Permitted in Non-Residential Use Districts:

(1) Along side and rear lot lines, but not greater than eight feet (8') in height.

(2) Within the rear yard, but not greater than eight feet (8') in height.

(3) Within front yard setbacks only as specifically authorized by the Commission.

(d) Prohibited Fences: The following fences are prohibited in the City:

(1) Wire fences constructed of material less than #11 AWG.

(2) Barbed wire fences.

(3) Fences charged with electricity.

(4) Fences forward of the required front yard setback, except for ornamental fences as regulated in subsection (b)(4) hereof or within non-residential districts as provided in subsection (c)(3) hereof.

(5) Snow fences greater than four feet (4') in height or used during the months of April through and including October.

(6) Fences located less than fifteen feet (15') from any driveway where the driveway is closer than fifteen feet (15') from a side lot line.

(7) Fences not specifically permitted by this Chapter.

(8) Fences not having a uniform color, material and design except as authorized by the Commission.

(9) Any solid fence or any fence that does not comply with the definition of an Open Fence as set forth in Section 1146.01(g), provided however, that solid fences may be permitted in non-residential districts for screening and buffering as approved by the Commission.

(e) Construction Or Replacement; Permit Required: Before constructing or replacing any fence, except snow fences, the owner shall apply for and be issued a permit by the Building Commissioner. Fences for land zoned other than Class U-1 Single-Family District shall also require the approval of the Commission.

(f) Maintenance Of Fences: Fences shall be maintained with the same standards required of new fences, and the owner shall:

(1) Replace or repair any part that is rusted or rotted.

(2) Re-paint or re-stain any part where the paint or stain is faded, cracked or peeling.

(3) Repair or replace any part that is loose, bent, bowed or leaning.

(g) Nonconforming Fences: A nonconforming fence is defined as a fence which was constructed prior to the enactment of legislation regulating fences. Nonconforming fences shall be repaired and maintained, and shall be replaced with conforming fences if more than fifty percent (50%) of any such fence requires replacement, is destroyed or removed.

(Ord. 2011-127. Passed 12-19-11.)

1146.03 LANDSCAPING.

(a) Height Of Hedges And Shrubbery: Shrubs, hedges or bushes adjacent to side yard lines in front of the building line and shrubs, hedges or bushes adjacent to and

parallel with the public sidewalk for a distance of fifteen feet (15') from any driveway shall be planted and maintained so as not to exceed a height of two feet (2'). Prior to any prosecution for the violation of this section, the property owner shall be given ten (10) days written notice by the Chief of Police or his duly authorized representative.

(b) Shade Tree Planting: Any owner or builder of a house or other building which is constructed and erected within the City shall deposit seventy-five dollars ($75.00) with the Public Works Department to cover all expenses for the planting of shade trees on the tree lawn abutting such house or other building. One shade tree shall be planted for each multiple of thirty feet (30') to fifty feet (50') of frontage, depending on the tree lawn and type of tree to be planted, as determined by the Public Works Director. Comer lots require trees on both streets. A minimum of one (1) shade tree shall be planted for each house or other building, regardless of the frontage of the lot. The Building Commissioner shall not issue a building permit to any person engaged in the construction of houses or buildings for resale until such person has complied with this section.

(c) Landscaping of Residential Lots Required: Growing and/or non-growing landscaping is required on the entire lot, except for such portions as are occupied by the house, garage, driveway or other permitted improvements. Council hereby finds and determines that the required landscaping is necessary for the public peace, health, safety and welfare, to protect pedestrians, to prevent deterioration of property values and to prevent the wash-down of mud and other debris across sidewalks and into catch basins. Not more than fifteen percent (15%) of the total lot area shall consist of hardscape, parking areas, and driveways.

(d) Tree Lawns: Tree lawn areas shall only be planted with grass and/or City authorized street trees. No other improvements or landscaping shall be permitted within the tree lawn. No retaining walls, landscape timbers, or other landscape features shall be placed within twelve inches (12") of a public sidewalk. Damage to landscape features located within twelve inches (12") of a public sidewalk from snow plowing or sidewalk maintenance shall be the responsibility of the homeowner.

(e) Completion of Landscaping: Landscaping shall be completed within one hundred twenty (120) days following issuance of a certificate of occupancy unless such date occurs after October 1 of a year. In that event, the time for completion shall be extended to June 1 of the following year. However, should a certificate of occupancy not be issued within two hundred forty (240) days of the issuance of a building permit, then the builder or owner shall install the front yard landscaping within ninety additional days unless such date occurs after October 1 of a year. In that event, the time for completion shall be extended to June 1 of the following year.

(f) Emergency Improvements: The City may, as a condition of any building permit, enter upon single-family lots and make temporary emergency improvements required for the protection of the building, land or neighboring property. The City shall give reasonable notice to the person issued the building permit or others. The City may suspend the building permit until the cost for such emergency improvements if reimbursed to the City and/or it may assess such costs against the property.

(g) Maintenance of Landscaping in Single Family Residential Districts: The person who applies for and is issued required building permits or certificates of occupancy shall cause the landscaping required by this section to be installed as

set forth in this section, and the continuing owners of the property shall maintain the lot in compliance with this Building Code. After it is installed as required, the original landscaping may be altered by the owner without an additional permit, provided that such alteration meets the standards of this Building Code. Owners of single-family homes shall install and maintain landscaping by planting, replanting or installing all of the growing things and maintaining other permitted landscaping features in good maintenance and repair, with the grass cut to a height not to exceed eight inches (8”).

(h) Notice of Violations: The Building Commissioner shall give written notice to the owner, owner-tenant or person in charge of a single-family home found in violation of the Building Code. Such notice shall direct the installation and/or maintenance of landscaping and landscaping features as required by this section to be completed within five (5) days from the date the notice is to be delivered. If the owner, owner-tenant or person in charge cannot be located, the notice shall be delivered to the house occupying such lot and posted thereon, which delivery shall constitute sufficient notice under this subsection. A separate offense under this subsection shall be deemed committed each day a violation continues, but no additional notice, after the first notice, shall be required.
(Ord. 2011-127. Passed 12-19-11.)

1146.04 DRIVEWAYS IN CLASS U-1 DISTRICTS.

Excluding the tree lawn, not more than forty percent (40%) of the required front yard area may be improved with driveways, parking areas, sidewalks, and other hardscape surfaces.

1146.99 VIOLATIONS AND PENALTIES.

Any person who fails to comply with any provision of the Chapter shall be guilty of a misdemeanor of the first degree and upon conviction thereof shall be subject to the penalties set forth in Section 101.99 of these Codified Ordinances.
(Ord. 2011-127. Passed 12-19-11.)

CHAPTER 1147
Nonconforming Uses, Structures, and Lots

1147.01 Purpose
1147.02 Nonconforming uses; extensions and changes.
1147.03 Nonconforming lots.
1147.04 Nonconforming structures.
1147.05 Completion of construction.

CROSS REFERENCES

Nonconforming Uses, retroactive measures - see Ohio R.C. 713.15
Nonconforming Use defined - see P. & Z. 1101.11
Completion and restoration of existing buildings - see P. & Z. 1105.02
Zoning status of annexed areas - see P. & Z. 1107.02
Nonconforming signs - see P. & Z. 1141.18

1147.01 PURPOSE.

The purpose of this Chapter is to provide for the regulation of uses, structures, and lots lawfully established prior to the enactment of this Code and amendments hereto but which do not conform to the existing provisions hereof. Such lawfully established uses, structures, and lots may be continued, despite their nonconforming conditions, subject to the provisions of this Code which provide for their completion and continued use, but also provide for reasonable regulation of their restoration, reconstruction, extension, and substitution. While it is the intent of this Chapter to permit such nonconforming conditions to continue until abandoned, removed, or abated, a nonconformity is deemed incompatible with currently permitted uses and requirements in the zoning district and should be discouraged, especially where such nonconformity constitutes a nuisance or hazard.

1147. 02 NONCONFORMING USES; EXTENSIONS AND CHANGES.

A Nonconforming Use existing at the time of the passage of this Chapter (Ordinance 1944-40, passed January 25, 1945) may be continued. A Nonconforming Use shall not be extended without the approval of the Commission, except that the extension of the use to any portion of the building, which portion was arranged or designed for such nonconforming use at the time of the passage of this Chapter, shall not be deemed an extension of a nonconforming use. A nonconforming use, if changed to a conforming use, may not thereafter be changed back to a nonconforming use. Whenever a nonconforming use has been discontinued for a period of six (6) months or more, such discontinuance shall be considered conclusive evidence of an intention to legally abandon the nonconforming use. At the end of the six (6) months period of abandonment, the nonconforming use shall not be re-established, and any further use shall be in conformity with the provisions of this Code.

1147.03 NONCONFORMING LOTS

When a Nonconforming Lot can be used in conformity with all applicable provisions of this Code, except that either the area or the width of the lot is nonconforming, then the lot may be used as if its area were conforming. When conforming use of a Nonconforming Lot cannot reasonably be established due to the setback requirements of the District in which it is located, the Commission may grant variances to setback requirements as necessary to establish a permitted use of the District, provided that there is no contiguous land in common ownership with the subject lot which could be used to reduce or eliminate the nonconformity and the variance meets all other variance standards of this Code.

1147.04 NONCONFORMING STRUCTURES.

(a) Alterations or Enlargements: A Nonconforming Structure may be enlarged or extended to extend such structure to a total area not to exceed twenty percent (20%) more than the original existing area of the structure, provided that the alteration or enlargement shall comply with the current regulations for the District in which it is located.

(b) Restoration of Damaged Structure: Nothing in this Chapter shall prevent the reconstruction, repairing, rebuilding, and continued use of any Nonconforming Structure damaged by fire, collapse, explosion or acts of God, subsequent to the date of this Code, provided that not more than fifty percent (50%) of the value of the building or structure was lost in such damage event and provided such replacement or repair does not extend the nonconformity, and further provided that such replacement or repair occurs within one (1) year of the date of damage. When more than fifty percent (50%) of the value of the structure is lost in such damage event, the structure and use shall not be reconstructed except either in a manner conforming with this Code or with the special approval of the Commission.

(c) Repairs and Maintenance: Repairs and maintenance work as required to keep a nonconforming structure in sound condition are permitted.

1147.05 COMPLETION OF APPROVED CONSTRUCTION.

Nothing in this Chapter shall prohibit the completion or construction and use of a nonconforming structure for which a Building Permit has been issued prior to the effective date of this Code or amendment thereto, and provided that construction is commenced within ninety (90) days and provided that the entire structure and the establishment of the use shall have been completed within one (1) year after issuance of the Building Permit.

Note: Chapter 1151 stricken, recodified as, and moved to Chapter 935

CHAPTER 1153
Dished Satellite Antennas

1153.01 Building permit requirements; conformity; exception.
1153.02 Linkage to receivers or transmitters.
1153.03 Application for plan review and permit; fees.
1153.04 Location.
1153.05 Height restrictions.
1153.06 Screening.
1153.07 Maintenance.
1153.08 Requirements for small dishes.

CROSS REFERENCES

Architectural Board of Review - see ADM. Ch. 153
Excepted from prohibited uses - see P. & Z. 1111.02(i)(17)
Defined - see P. & Z. 1101.15
Building permits, fees and deposits - see BLDG. Ch. 1329

1153.01 BUILDING PERMIT REQUIREMENTS; CONFORMITY; EXCEPTION.

Notwithstanding Sections 1116.03 and 1129.02, no person shall erect or maintain a dished satellite antenna larger than thirty-nine inches (39") in diameter in the City without first obtaining a building permit therefor and without conforming to the provisions of this chapter, except as otherwise permitted by Council. Such dished satellite antenna shall conform to the criteria set forth in Sections 1153.02 through 1153.08.
(Ord. 1998-276. Passed 3-1-99.)

1153.02 LINKAGE TO RECEIVERS OR TRANSMITTERS.

Dished satellite antennas shall not be linked to receivers or transmitters which are not located on the same lot as the antenna.
(Ord. 1998-276. Passed 3-1-99.)

1153.03 APPLICATION FOR PLAN REVIEW AND PERMIT; FEES.

Application for plan review of the location of a satellite dish antenna shall be made to the Architectural Board of Review. Such application shall include plans and specifications for the installation and shall be accompanied by the payment of a fee to cover the cost of such examination and review. Plans shall indicate antenna specifications, materials, complete dimensions, support structure details, proposed location in relation to surrounding buildings, lot lines, utility wires and screening and that the antenna is an accessory use only to a permitted use located in the main building on the same lot as the antenna. Upon approval of such plans by the Board, an application for a building permit may be made to the Building Commissioner. The Board shall disapprove any plan not in conformance with the standards set forth herein or upon a finding that any installation is contrary to accepted architectural and/or engineering standards. The Board shall require each applicant to provide such engineering documentation as the Board requires, demonstrating compliance with engineering and building standards, and evidence that the antenna shall be designed to withstand winds as required by the Building Code.
(Ord. 1998-276. Passed 3-1-99.)

1153.04 LOCATION.

(a) Residential U1-A1, U1-A2 and U-2A Zoning Districts. Satellite dish antennas and required support structures in excess of thirty-nine inches (39") in diameter shall not be affixed to any main or accessory building. Antennas placed on the ground shall be located in the rear yard area, as defined in Section 1101.42(b). No part of any ground antenna, however turned or otherwise used, shall be located within five feet (5') of any building nor ten feet (10') from any lot line.

(b) Districts Other Than U1-A1, U1-A2 and U-2A. Antennas shall be an accessory use to the principal use of tenants or occupants who lease not less than 1,000 square feet in the same building.

(1) Rooftop installations. The antenna and required support structure shall not be closer than twenty feet (20') from the coping wall or exterior facing and shall be designed to withstand winds as required by the Building Code, and shall not create undue loading or stress on building components. An antenna shall not be closer than reasonably necessary to another antenna, a distance to be determined by the Architectural Board of Review using accepted engineering standards.

(2) Other than rooftop installations. Antennas shall be accessory to the main use of the building and located on the same plot of land as the building, in the rear yard, as defined in Section 1101.42(b). No part of any antenna, however turned or otherwise used, shall be located within twenty feet (20') of any building or lot line. Each freestanding installation shall have an adequate base in conformance with the manufacturer's specifications and the Building Code.

(Ord. 1998-276. Passed 3-1-99.)

1153.05 HEIGHT RESTRICTIONS.

The height of a satellite dish antenna, when turned perpendicular to the ground or roof, including its supporting structure, shall not exceed fifteen feet (15') above the concrete pad, natural grade or roof deck. The maximum diameter of any satellite dish antenna shall be twelve feet (12').

(Ord. 1998-276. Passed 3-1-99.)

1153.06 SCREENING.

Satellite dish antennas shall be adequately screened from view from all public streets and adjoining property, to the extent that the Architectural Board of Review determines to be reasonable, depending on the zoning classification of abutting properties and other applicable factors. Each dish shall, to the extent possible, be harmonious in color with the building surface to which it is attached. The Board shall direct the applicant to provide adequate landscaping, if a ground application is approved, or other screening if another location is approved. The Board shall have continuing jurisdiction and authority to require adjustments or relocation of any antenna and to require additional screening and/or landscaping, as it shall determine. Prior to any order of the Board directing an adjustment, antenna relocation, or change in the screening and/or landscaping, the Board shall provide the owner with reasonable notice and an opportunity to be heard. The antenna and all required landscaping or screening shall be maintained to meet the minimum standards approved by the Board.

(Ord. 1998-276. Passed 3-1-99.)

1153.07 MAINTENANCE.

Dished satellite antennas and support structures shall be maintained in good repair and structurally sound to ensure that the antenna and structure will not be damaged due to winds or structural failure. All surfaces shall be maintained in good condition, free of rust, peeling paint or corrosion. (Ord. 1998-276. Passed 3-1-99.)

1153.08 REQUIREMENTS FOR SMALL DISHES.

Dished satellite antennas smaller than thirty-nine inches (39") in diameter shall be permitted in all Districts provided such dish structures comply with the following criteria, which are hereby established to protect the health and safety of residents and motorists, by providing for safe installations of dish structures which do not constitute hazards to persons or properties, which do not obstruct vehicular sight lines, and which are consistent with and preserve the established aesthetic character of the City:

(a) All freestanding installations shall be located in compliance with the front setback

regulations for the zoning district in which such installations are located. On corner lots, dishes shall also comply with the setback requirements from the side street;

(b) Freestanding installations shall have an adequate base in accordance with the manufacturer's specifications for installation; and

(c) All wiring for satellite dish antennas shall meet the requirements of the National Electrical Code and manufacturer's specifications to minimize the safety hazards associated with exposed wiring.

No building permit is required for dished satellite antennas which are less than thirty-nine inches (39") in diameter. (Ord. 1998-276. Passed 3-1-99.)

CHAPTER 1154
Alternative Energy Facilities

1154.01 Purpose and intent.
1154.02 Definitions.
1154.03 Compliance and permit required.
1154.04 Use to be accessory.
1154.05 Roof mounted solar arrays.
1154.06 Free-standing or ground mounted solar arrays.
1154.07 Roof mounted wind energy facilities.
1154.08 Free-standing or ground mounted wind energy facilities.

1154.01 PURPOSE AND INTENT.

The purpose of this Chapter is to provide for the construction and operation of Alternative Energy Facilities as accessory uses in various Use Districts within the City, to provide standards for the placement, design, and operation of such facilities in order to protect the public health, safety, and general welfare, and to minimize the adverse impacts of Alternative Energy Facilities on adjacent properties and on the aesthetic quality of the City.
(Ord. 2010-112. Passed 5-16-11.)

1154.02 DEFINITIONS.

The words and terms used in this Chapter shall have the following meanings:

(a) "Alternative Energy Facility" means a Solar Array or Wind Energy Facility intended to provide electrical power primarily for consumption on-site.

(b) "Solar Array" means any collection of Solar Panels, connectors, battery banks, controllers, wiring, meters, and switching devices intended to work in combination to convert solar energy to electrical power.

(c) "Solar Panel" means any device used for collecting solar energy and converting it to electrical power.

(d) "Wind Energy Facility" means any combination of equipment, machinery, and structures used to convert kinetic wind energy into electrical power.
(Ord. 2010-112. Passed 5-16-11.)

1154.03 COMPLIANCE AND PERMIT REQUIRED.

Alternative Energy Facilities shall be designed, erected, installed, operated, and/or maintained only in accordance with the provisions set forth in this Chapter. A Building Permit and Electrical Permit issued by the Building Commissioner shall be required prior to the erection, installation, connection, or operation of any Alternative Energy Facility. Applicants shall provide written evidence that the power company has been informed of the intent to install an Alternative Energy Facility at the subject site.
(Ord. 2010-112. Passed 5-16-11.)

1154.04 USE TO BE ACCESSORY.

Alternative Energy Facilities shall only be permitted as accessory to a principal use or building located on the same lot or parcel. Such facilities shall be designed, installed, or constructed to provide electrical power to be primarily consumed by the principal use or building to which they are accessory. Cooperative facilities, electrical storage, and distribution of power are prohibited.
(Ord. 2010-112. Passed 5-16-11.)

1154.05 ROOF MOUNTED SOLAR ARRAYS.

Roof mounted Solar Arrays shall be located in conformance with the following criteria and standards:

(a) Roof Mounted Solar Arrays in Residential U-L, U-2A, and U-3 Districts. Roof mounted Solar Arrays shall be permitted in U-I, U-2A, and U-3 Districts provided that Solar Panels do not extend more than thirty-six inches (36") above either the

plane of the roof or the ridge line of the dwelling and that all accessory components are located within the building or behind the principal building and within the side and rear building setback lines.

(b) Roof Mounted Solar Arrays in Residential U-3A Districts. Roof mounted Solar Arrays shall be permitted in U-3A Districts provided that Solar Panels do not extend more than thirty-six inches (36") above the plane of the roof of pitched roofs nor more than forty-two inches (42") above the roof line or parapet wall of a flat roof and further provided that all accessory components are located either within the building, behind the principal building and within the side and rear building setback lines, or hidden from view behind the parapet wall of buildings with flat roofs.

(c) Roof Mounted Solar Arrays in U-4A, U-4B, and U-5 Districts. Roof mounted Solar Arrays shall be permitted in U-4A, U-4B, and U-5 Districts provided that Solar Panels do not extend more than thirty-six inches (36") above the plane of the roof of pitched roofs or more than forty-two inches (42") above the roof or parapet wall of a flat roof and further provided that all accessory components are located either within the building, or within a screened enclosure behind the principal building, or are hidden from view behind the parapet wall of buildings with flat roofs.

(d) Roof Mounted Solar Arrays in U-7A, U-8, U-8A, U-9, and U-10 Districts. Roof mounted Solar Arrays shall be permitted in U-7A, U-8, U-8A, U-9, and U-10 Districts provided that Solar Panels do not extend more than thirty-six inches (36") above the plane of the roof of pitched roofs or more than forty-eight inches (48") above the roof or parapet wall of a flat roof and further provided that all accessory components are located either within the building, or within a screened enclosure behind the principal building, or are hidden from view behind the parapet wall of buildings with flat roofs.

(e) Roof Mounted Solar Arrays in All Use Districts. Roof mounted Solar Arrays shall have appropriate structural support and shall be designed to withstand winds of ninety (90) miles per hour.

(Ord. 2010-112. Passed 5-16-11.)

1154.06 FREE-STANDING OR GROUND MOUNTED SOLAR ARRAYS.

Free-standing or ground mounted Solar Arrays shall be permitted in all Use Districts in conformance with the following criteria and standards:

(a) Maximum Height. Free-standing or ground mounted Solar Arrays shall not exceed a maximum height of fifteen feet (15') measured to the highest projection of any Solar Panel in final configuration and orientation.

(b) Minimum Setback. Free-standing or ground mounted Solar Arrays shall be setback from all side and rear property lines a distance equal to the height of the Solar Array, but in no case less than ten feet (10').

(c) Location. Free-standing or ground mounted Solar Arrays shall be located behind the setback line of the principal building to which such facility is accessory.

(d) Structural Support and Wind Load. Free-standing or ground mounted Solar Arrays shall have appropriate structural support and shall be designed to withstand winds of ninety (90) miles per hour.

(e) Accessory Components. All accessory components shall be located either within the principal building or behind the principal building and within the side and rear building setback lines. Ground mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access. Accessory components shall be screened from view from public rights-of-way and adjacent properties.

(f) Wiring. All electrical connections between free-standing or ground mounted Solar Arrays and the principal building shall be located underground.

(Ord. 2010-112. Passed 5-16-11.)

1154.07 ROOF MOUNTED WIND ENERGY FACILITIES.

Roof mounted wind energy facilities may be located on buildings with flat roofs located in the U-3A, U-4A, U-4B, U-5, U-7A, U-8, U-8A, U-9, and U-10 Districts in conformance with the following criteria and standards:

(a) Structural Design. Roof mounted wind energy facilities shall have appropriate structural support.

(b) Accessory Components. All accessory components shall be located either within the principal building or behind the principal building and within the side and rear building setback lines. Ground mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access. Accessory components shall be screened from view from public rights-of-way and adjacent properties.

(c) Maximum Sound Level. The maximum sound produced by a Wind Energy Facility during operation shall not exceed sixty (60) dbA measured at the nearest property line.

(d) Brakes. All Wind Energy Facilities shall be equipped with an automatic over-speed control system, which may be either an electronic or mechanical system, for automatically controlling blade rotation speed so that the design limits of the system are not exceeded.

(e) Appearance. Lighting of Wind Energy Facilities shall be prohibited. Towers, turbines and blades shall be white, black, or gray. No signage or advertising shall be permitted on any Wind Energy Facility.

(f) Maintenance Required. Wind Energy Facilities shall be properly maintained at all times in compliance with all manufacturers specifications. The immediate grounds around the base of the facility shall be maintained in good condition at all times.

(g) Engineering Report Required. Each application for a Wind Energy Facility shall be accompanied by a report from a licensed engineer documenting that the proposed system will meet all of the standards set forth herein, that it is designed to handle anticipated wind loads, that the roof support system has been properly designed, and that it has appropriate over-speed controls.

(h) Maximum Height. Roof mounted Wind Energy Facilities shall not extend more than twenty feet (20') above the maximum building height of the Use District in which they are located nor more than thirty feet (30') above the roof level of the building on which the facility is mounted.

(Ord. 2010-112. Passed 5-16-11.)

1154.08 FREE-STANDING OR GROUND MOUNTED WIND ENERGY FACILITIES.

Free-standing or ground mounted Wind Energy Facilities shall comply with the following criteria and standards:

(a) Clear Fall Zone. In order to provide for a safe clear fall zone in the event of structural failure, the minimum setback from any property line, electrical transmission line, public right-of-way or easement, or gas well shall be 1.1 times the height of the Wind Energy Facility measured to its highest point.

(b) Minimum Ground Clearance. No moving part of any Wind Energy Facility shall extend to within fifteen feet (15') of the ground.

(c) Maximum Sound Level. The maximum sound produced by a Wind Energy Facility during operation shall not exceed sixty (60) dbA measured at the nearest property line.

(d) Brakes. All Wind Energy Facilities shall be equipped with an automatic over-speed control system, which may be either an electronic or mechanical system, for automatically controlling blade rotation speed so that the design limits of the system are not exceeded.

(e) Wiring. All electrical connections between free-standing or ground mounted Wind Energy Facilities and the principal building shall be located underground. Ground mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.

(f) Appearance. Lighting of Wind Energy Facilities shall be prohibited. Towers,

turbines and blades shall be white, black, or gray. Only monopole towers shall be permitted. No signage or advertising shall be permitted on any Wind Energy Facility, provided however, that each such facility shall have a visible mounted emergency placard eighteen inches (18") by eighteen inches (18") containing the name and emergency contact information of the owner and individual or firm responsible for service and the date of installation of the facility.

(g) Maintenance Required. Wind Energy Facilities shall be properly maintained at all times in compliance with all manufacturers specifications. The immediate grounds around the base of the facility shall be maintained in good condition at all times.

(h) Engineering Report Required. Each-application for a Wind Energy Facility shall be accompanied by a report from a licensed engineer documenting that the proposed system will meet all of the standards set forth herein, that it is designed to handle anticipated wind loads, that the foundation has been properly designed, that it will comply with the clear fall zone requirement, and that it has appropriate over-speed controls.

(i) Anti-Climb Devices Required. Wind Energy Facilities shall be fenced or fitted with anti-climb devices.

(j) Removal. Any Wind Energy Facility which is not operated or ceases to function for a period of six (6) consecutive months or longer shall be deemed abandoned and shall be removed.

(Ord. 2010-112. Passed 5-16-11.)

CHAPTER 1155
Supplemental Standards For Specific Uses

1155.01 Intent.
1155.02 Child day care centers.
1155.03 Adult day care centers.
1155.04 Farmers markets.
1155.05 Keeping of domestic farm animals and fowl.
1155.06 Food trucks.

CROSS REFERENCES

Board of Zoning Appeals - see ADM. Ch. 150

Temporary and conditional uses - see P. & Z. 1147.02
Certificates of occupancy; occupancy permits - see BLDG. Ch. 1313
Building permits, fees and deposits - see BLDG. Ch. 1329

1155.01 INTENT.

This Chapter is intended to provide specific standards for certain uses which, because of the nature of each use or its effect upon persons or property, requires that they be operated in compliance with certain standards and provisions. Such uses shall only be permitted when such uses meet the conditions set forth in this Chapter and this Code.

1155.02 CHILD DAY CARE CENTERS.

(a) Permitted Uses; Compliance with Code and Building Code. A child day care center shall be permitted in Class U-5, U-7A, U-8, U-8A, U-9 and U-10 Districts, provided that it is in compliance with the following regulations, in addition to all other applicable requirements of this Code and the Building Code.

(b) Definitions. The definitions provided in Ohio R.C. 5104.01, as now adopted or as amended, are incorporated by reference herein.

(c) Submission of Applications; Transfer of Ownership.

(1) Application for approval to locate a child day care center shall be made to the Commission by the owner of the building where the proposed use will be located, or such owner's agent. This application may request preliminary approval subject to approval of the location by a State agency within one year. If preliminary approval is granted, an application for final approval will be considered after the final approval by a State agency.

(2) Approval, when granted, is not transferable to another entity without approval from the City.

(3) If a child day care center is sold or transferred, the new owner must apply for new approval. The new owner may operate the child day care center for up to ninety days while the new permit application is pending. A new owner shall be approved if such person meets all requirements of this Code and these Codified Ordinances.

(d) State Approval and Licensing.

(1) The child day care center shall have and continue to have a valid license from an agency of the State of Ohio to operate at such location, and it shall operate at all times in compliance with all applicable laws of the City, the State, the United States and any regulatory agencies of both the

State and Federal Governments.

(2) The owner shall file with the Commission copies of documents showing State approval and licensing, and any notice of inspection, findings of violations and plans for correction sent by the State agency and responded to by the child day care center shall be made available to any City inspector upon request.

(e) Building Requirements.

(1) The use shall be located only in a one story building with at least two exits from the child day care center directly to the outside of such building.

(2) The building must contain a sprinkler system approved by the Fire and Rescue Department.

(3) Male and female rest rooms shall be provided within and for the exclusive use of the child day care center, with sufficient facilities as determined by the Commission.

(f) Site Development Plans. The Site Development Plan shall show:

(1) Any outdoor playground, with fences, curbs and locations for child playground equipment.

(2) Drop-off and pick-up areas for the children, with room provided for standing, loading and unloading automobiles.

(3) Off-street parking, which shall be one (1) space per required staff employee, plus one space for every twenty (20) children, measured at maximum occupancy under State law.

(g) Prohibited Employees. No person shall be employed in a child day care center who is prohibited from employment in a day care center or home as provided for in Ohio R.C. 5104.09.

(h) Operation.

(1) A child day care center must be operated in such a manner as to restrain loud noise, yelling or other conduct that will affect other tenants in the same or a neighboring building, and to protect the children.

(2) The outdoor area must be protected from vehicles, noise, smoke, vibration, odor, toxic or noxious fumes, or other hazards which threaten the health, safety and general welfare of the children. The Commission may request assistance in this regard from the City doctor or others.

(3) Any incident or circumstance which threatens the health, safety and general welfare of the children shall be immediately reported to the City Building Department.
(Ord. 1992-26. Passed 3-16-92.)

(4) No child day care center shall permit any person to smoke in any indoor or outdoor space that is part of the center. This prohibition shall be posted in a conspicuous place at the main entrance of the center.
(Ord. 1996-197. Passed 1-27-97.)

1155.03 ADULT DAY CARE CENTERS.

(a) Definitions.

(1) "Adult Day Care Center" means a building or portion of a building in which an Adult Day Care Program is conducted for any part of a day and the program that is conducted in that building or portion of a building.

(2) "Adult Day Care Program" means a program designed to provide personal care and/or Skilled Nursing Care services to two or more adults for a fee by persons other than their guardians, custodians or relatives by blood or marriage, for any part of but less than twenty-four (24) hours a day in a place other than the adult's own home.

(3) "Personal Care Services" means services, other than Skilled Nursing Care,

to assist in the daily care of the participant, including but not limited to a variety of health, social and related support services.

(4) "Skilled Nursing Care" means procedures that require technical skills and knowledge beyond those the untrained person possesses, and that are commonly employed in providing for the physical, mental and emotional needs of the elderly, ill, functionally impaired, or otherwise incapacitated adult.

(b) Permitted Uses; Compliance with Code and Building Code. An Adult Day Care Center shall be permitted in Class U-5, U-7A, U-8, U-8A, U-9 and U-10 Districts, provided that it is in compliance with the following regulations, in addition to all other applicable requirements of this Code and the Building Code. However where a nursing home is already on site, any related Adult Day Care Center shall be considered a compatible and accessory use without reference to the standards herein.

(c) Submission of Applications; Transfer of Ownership.

(1) Application for approval to locate an Adult Day Care Center shall be made to the Commission by the owner of the building where the proposed use will be located, or such owner's agent.

(2) Approval for an Occupancy Permit shall be issued to the person who is the owner/operator of the Adult Day Care Center and is not transferable without the approval of the City.

(3) If an Adult Day Care Center is sold or transferred, the new owner/operator must apply for new approval. The new owner/operator may operate the Adult Day Care Center for up to ninety (90) days while the new permit application is pending. A new owner/operator will be approved only if such person meets all requirements of this Code and these Codified Ordinances.

(d) Compliance with Laws.

(1) The Adult Day Care Center shall operate at all times in compliance with all applicable laws of the City, the State, the United States and any applicable regulatory agencies of both the State and Federal Governments.

(2) The owner/operator of the Adult Day Care Center shall file with the Commission copies of documents showing any notice of inspection, findings of violations or plans for correction sent by any governmental agency and responded to by the Adult Day Care Center, which shall be made available to any City inspector upon request.

(3) The Adult Day Care Center shall conform to all State rules, regulations, standards and laws governing or applying to such institutions, which are incorporated by reference herein.

(e) Building and Facility Requirements.

(1) The use shall be located in a one-story building or on the first floor of a multi-story building, and in either instance shall contain at least two (2) exits from the Adult Day Care Center directly to the outside of such building. There shall be no ingress or egress to or from the lobby area of the building.

(2) The building must contain a fire sprinkler system installed in accordance with 4101:2-9 OBBC, approved by the Fire and Rescue and Building Departments.

(3) Male and female rest rooms shall be provided within and for the exclusive use of the Adult Day Care Center, with sufficient facilities as determined

by the Commission. Each rest room will meet handicap requirements as defined in the OBBC.

Toilet rooms shall conform to the following:

A. Separate toilet facilities are required for each sex.

B. One (1) water closet for every eight persons with a minimum of two (2) water closets in every toilet room.

C. A minimum of one (1) urinal shall be provided for each male toilet room; thereafter, urinals may be substituted for one-half (.5) of the required number of water closets.

D. One (1) lavatory shall be provided for each two (2) sanitary fixtures (water closet or urinal), but a minimum of one (1) lavatory shall be provided in each toilet room.

E. Twenty-four inches (24") of wash sink or eighteen inches (18") of circular basin shall be considered as one (1) lavatory.

(4) One drinking fountain shall be provided for each fifty (50) persons or less.

(5) The facility shall be accessible to people with disabilities and shall meet all applicable State and Federal guidelines regarding same.

(6) Sound transmission shall be controlled and appropriate sound-proof walls shall be inserted between the facility and facilities containing other tenants in the building. Walls, partitions and floor/ceiling assemblies separating the Adult Day Care Center from other tenants in the building or from public or service areas shall have a sound transmission class (STC) of not less than forty-five (45) for air-borne noise when tested in accordance with ASTM E90 listed in Chapter 35.

(7) A covering to protect participants from inclement weather shall be provided over one (1) outside entrance.

(8) Sufficient kitchen and dining areas shall be provided for the facility's specified requirements and programs.

(9) There shall be a fire alarm protective signaling system and automatic fire detection system serving the Adult Day Care Center, to be approved by the City's Building and Fire and Rescue Departments. In addition there shall be an approved security alarm internally on all exit doors to notify staff of someone leaving the facility.

(10) There shall be slip resistant surfaces on all stairs and ramps.

(f) Site Development Plans. The Site Development Plan shall show:

(1) Drop-off and pick-up areas for the participants, with sufficient space provided for standing, loading and unloading automobiles and accommodations for wheelchairs.

(2) Off-street parking, which shall consist of one (1) parking space for every two hundred (200) square feet of space in the Adult Day Care Center, but in any event there shall be a minimum of ten (10) parking spaces.

(g) Prohibited Employees. No person shall be employed in an Adult Day Care Center who would be prohibited from employment in a day care center or home as provided for in the requirements of Ohio R.C. 5104.09 which applies to child day care centers.

(h) Operation.

(1) An Adult Day Care Center must be operated in such a manner as to restrain loud noise, yelling or other conduct that will affect other tenants in the same or a neighboring building, and to protect the participants.

(2) Any outdoor area specifically affiliated with or utilized by the Adult Day Care Center must be protected from vehicles (other than routine drop-off and pickup), noise, smoke, vibration, odor, toxic or noxious fumes or other hazards which threaten the health, safety and general welfare of the participants. The Commission may request assistance in this regard from the City Doctor or others.

(3) Any incident or circumstance which threatens the health, safety or general welfare of the participants shall be immediately reported to the Safety Director of the City.

(4) At least one (1) registered or licensed nurse shall be on staff and present in the center at all times.

(5) There shall be a minimum of direct care staff to participant ratio of one (1) to eight (8) or better, depending upon the degree of impairment of the participants.

(6) Every Adult Day Care Center shall require criminal records checks of its applicants for employment to be conducted through the Beachwood Police Department, in the same manner provided for child day care centers under the Ohio Revised Code Section 5104.012. The cost of such checks shall be reimbursed to the City by the adult day care center. The results shall be governed by subsection (h) hereof.

(7) No Adult Day Care Center shall permit any person to smoke in any indoor space that is part of the center; provided, however that smoking by visitors, employees and participants may be permitted in a designated, enclosed area which is separately ventilated to the outside. This prohibition shall be posted in a conspicuous place at the main entrance of the center.

(Ord. 1996-196. Passed 1-27-97.)

1155.04 FARMERS MARKETS.

(a) Definitions.

(1) "Farmers Market" means an outdoor market open to the public where at least seventy-five percent (75%) of the displayed inventory of the product sold in each Farmers Market is Farm Products or Value-Added Farm Products.

(2) "Farm Product" means fruits, vegetables, mushrooms, herbs, grains, legumes, nuts, shell eggs, honey or other bee products, flowers, nursery stock, livestock food products (including meat, milk, yogurt, cheese, and other dairy products), and seafood.

(3) "Value-Added Farm Product" means any product processed from a Farm Product, such as baked goods, jams and jellies, canned vegetables, dried fruit, syrups, salsas, salad dressings, flour, coffee, smoked or canned meats or fish, sausages, or prepared foods.

(b) Special Permitted Use. Farmers Markets may be established in the City in any nonresidential district with the approval of the Safety Director and a permit issued by the Building Commissioner. Such a permit shall be issued only when the Safety Director and the Building Commissioner find that the proposed use is a Farmers Market, as defined in subsection (a)(l) hereof, and complies with all the requirements and standards of this section. Wherever feasible, Farmer's Markets are to locate on sites that have convenient pedestrian, bike and public transit access and sufficient off-street parking.

(c) Requirements and Standards. Farmers Markets shall only be permitted subject to the following requirements and standards:

(1) Farmers Markets shall not be operated more than once a week at one location and shall be limited to the months of May through October.

(2) Hours of operation shall be limited to 9:00 a.m. to 2:00 p.m.

(3) There will be no cooking on premises.

(4) Farmers Markets and their vendors shall obtain all required operating and health permits and said permits (or copies) shall be in the possession of the Farmers Market operator or the vendor as applicable, on the site of the Farmers Market during all hours of operation.

(5) Farmers Markets shall be registered with the Ohio Department of Agriculture, Division of Food Safety, and present proof of such registration to the Building Commissioner.

(6) Farmers Markets must have a representative of the operator authorized to direct the operations of all vendors participating in the market on the site of the market during all hours of operation.

(7) The host property must provide waste removal and/or recycling facilities and services, in accordance with applicable codes and as approved by the City, for all Farmers Market operations, including vendors and patrons.

(8) Sanitary facilities for vendors of the Farmers Market must be provided by the host property.

(9) During the hours of operation, dedicated and exclusive parking for the Farmers Market shall be provided at the rate of a minimum of one (1) parking space per booth or vendor.

(10) For the purpose of a Farmers Market only, required on-site parking spaces of the host property may apply towards meeting the number of required parking spaces required for the Farmers Market provided such arrangement does not render the host property deficient in its parking requirement. There shall be a written agreement signed by both the property owner and the Farmers Market Manager establishing that there will be no parking demand associated with the use of the host property for the same parking space(s) during the hours of the Farmers Market operation.

(11) One temporary free-standing sign not to exceed ten (10) square feet in area and six feet (6') in height may be permitted for the Farmers Market provided that a temporary sign permit is obtained from the Building Department and that the location of the sign is approved by the Building Commissioner and the Police Chief. The temporary sign authorized by this subsection shall be installed no sooner than the day before the Farmers Market and shall be removed by the end of the day of the Farmers Market. (Ord. 2012-79. Passed 4-16-12.)

1155.05 KEEPING OF DOMESTIC FARM ANIMALS AND FOWL.

(a) Definitions.

(1) "Domestic Farm Animal" or "Domestic Farm Animals" means one (1) or two (2) goats or one (1) sheep. Any other animal is not a Domestic Farm Animal for purposes of this section.

(2) "Fowl" includes geese, turkeys, ducks, chickens, and any other similar type of animal. Fowl does not include roosters.

(b) Purpose. The purpose of this section is to permit the keeping of Domestic Farm Animals and Fowl in a manner that prevents nuisances to occupants of nearby properties and prevents conditions that are unsanitary or unsafe. Domestic Farm Animals may be kept only when specific findings are made by the Commission that the Domestic Farm Animal use meets the conditions set forth in this section and the Code.

(c) Special Permitted Use- Keeping of Domestic Farm Animal. In addition to Fowl, Domestic Farm Animals, upon approval of a Domestic Farm Animal application by the Commission and issuance of a permit by the Building Commissioner, are permitted on a residential parcel in excess of 1.1 acres. The keeping of Domestic Farm Animals is limited to a maximum of two (2) goats or one (1) sheep per residential parcel in excess of 1.1 acres. A permit shall be issued only if the Commission and the Building Commissioner find that all requirements and standards of this section are met. Domestic farm animals are not permitted in any

non-residential district. A Domestic Farm Animals Special Use Permit is valid for an indefinite period of time provided that there is no material change from the information provided in the Domestic Farm Animals Special Use Permit Application and the keeping of the Domestic Farm Animal or Animals is in accordance with the requirements of this section.

(d) Domestic Farm Animal Special Use Permit Application. A Domestic Farm Animal Special Use Permit application shall be provided by the Building Commissioner and shall require an applicant to provide the following:

(1) The address of the property where the applicant proposes to keep a Domestic Farm Animal and the name and address of the applicant and the property owner, if different than the applicant;

(2) A survey, prepared by professional surveyor, indicating the total acreage of the property;

(3) The type of proposed Domestic Farm Animal or Domestic Farm Animals;

(4) A statement regarding whether or not Fowl are currently kept on the property;

(5) A description of the structure where the Domestic Farm Animal or Domestic Farm Animals will be kept and a drawing depicting the location of such structure on the property in relation to other structures on the property, the property lines; and neighboring structures;

(6) A description of the area where the Domestic Farm Animal or Domestic Farm Animals will be permitted to graze, roam, or otherwise occupy and a drawing depicting such area in relation to other structures on the property, the property lines, and neighboring structures;

(7) A statement regarding any existing and proposed fence structures on the property;

(8) A statement indicating the noise and odor control measures, including the disposal of Domestic Farm Animal waste, that the applicant will utilize in order to limit public nuisance complaints;

(9) A statement indicating that the applicant, if a permit is granted, will take the necessary measures to ensure that the Domestic Farm Animal or Domestic Farm Animals receive proper medical treatment and vaccinations and that, upon request of the Building Commissioner, documentation of such medical treatment and vaccinations will be provided to the Building Commissioner;

(10) A statement granting the Building Commissioner or the Building Commissioner's designee authority to access the property to determine compliance with this section and any other applicable Codified Ordinances;

(11) A statement acknowledging that, if a permit is granted, and such permit is revoked the immediate removal of the Domestic Farm Animal or Domestic Farm Animals is required;

(12) A statement indicating that the applicant, if a permit is granted, will update the information provided on the application, including information relating to the keeping of Fowl and changes to fences structures, as may be necessary to ensure that the City has current and accurate information relating to the keeping of the authorized Domestic Farm Animal or Domestic Farm Animals on file; and

(13) Any other information that the Building Commissioner may deem relevant to determine compliance with this section.

(e) Notification to Neighboring Property.

The Building Commissioner, upon receipt of a Domestic Farm Animal application, shall send written notice of the filing of such application to each abutting property owner. The Building Commissioner shall approve a Domestic

Farm Animal application only if it finds that the domestic farm animal use meets the conditions set forth in this section and the Code.

(f) Requirements and Standards. Domestic farm animals shall only be permitted in a residential district if the following requirements and standards are met and a permit may be revoked for failure to adhere to the following requirements and standards:

(1) Domestic Farm Animals are kept on property is in excess of 1.1 acres;

(2) Domestic Farm Animals are kept in a structure designed to house the domestic farm animals and the structure is maintained in sanitary condition and in good repair;

(3) The Domestic Farm Animal structure conforms to all Code requirements and is located not less than twenty feet (20') from the rear or side yard line and not less than two hundred feet (200') from any existing residence on an adjacent property;

(4) Any Domestic Farm Animal pasture or other area where the Domestic Farm Animal will graze, roam, or otherwise occupy is located not less than ten feet (10') from the rear or side yard line and not less than two hundred feet (200') from any existing residence on an adjacent property;

(5) The Domestic Farm Animals are kept in conditions that limit odors and noise and the attraction of insects and rodents so as not to cause a nuisance to occupants of nearby properties and not to cause health hazards;

(6) The Domestic Farm Animals are kept in a manner that is not injurious or unhealthful to the animal and receives necessary medical treatment and vaccinations; and

(7) The Domestic Farm Animals are kept in a manner that complies with all provisions of the Codified Ordinances, including Section 618.12.

(g) Inspection and Permit Revocation. The Building Commissioner or the Building Commissioner's designee has the authority to inspect any property where Domestic Farm Animals or Fowl are kept to determine compliance with the regulations of this section. The Building Commissioner, upon inspection and determination that a violation this section exists and permit revocation is necessary to ensure compliance with this section, shall send written notice of such violation and permit revocation to the keeper of the Domestic Farm Animal and the property owner, if different than the keeper of the Domestic Farm Animal. The notice shall state the violation and that the keeper of the Domestic Farm Animal or the property owner has the right to appeal such permit revocation determination within ten (10) calendar days of receipt of the notice to the Safety Director. All appeals shall be filed in writing with the Safety Director. The Safety Director shall hear the appeal within ten (10) calendar days and the determination of the Safety Director shall be final.

(h) Prohibition Against Keeping of Domestic Farm Animals When a Permit is Revoked. Any person, including the keeper of Domestic Farm Animals and any property owner where Domestic Farm Animals are kept, that has a Domestic Farm Animals Special Use Permit revoked is prohibited from obtaining a future Domestic Farm Animals Special Use Permit.

(i) Keeping of Fowl. A permit is not required for the keeping of Fowl. However, Fowl must be restrained at all times in a structure designed to house Fowl. Such structure shall be no larger than four feet (4') by four feet (4') by four feet (4'), enclosed on all sides and on top, and maintained in sanitary condition and in good repair. The structure shall conform to all Code requirements and shall be located not less than twenty feet (20') from the rear or side yard line and not less than two hundred feet (200') from any existing residence on an adjacent property.

(j) Roosters Prohibited. No person shall keep a rooster in the City.

(k) Penalty. No person shall keep any farm animal or Fowl in violation of this section.

1155.06 FOOD TRUCKS.

(a) Definitions.
"Food Truck" means any mobile food preparation vehicle, whether self-propelled or attached as a trailer in which food is processed, prepared, stored, or dispensed to the paying consumer.
“Food Truck Park” means a permanent arrangement of parking, seating, and restroom facilities for four (4) or more Food Trucks for which a Site Development Plan has been approved by the Planning and Zoning Commission.

(b) Special Permitted Use. Food Trucks may be permitted on private property in the City with the written approval of the property owner in any U-4A Integrated Business District, U-4B Shopping Center District, U-5 Public and Institutional District, U-8 Industrial and Office Mixed-Use District, or U-7A General Office Building District with the approval of the Safety Director and a permit issued by the Building Commissioner. Such a permit shall be issued only when the Safety Director and the Building Commissioner find that the proposed use complies with all the requirements and standards of this section. Food Trucks shall locate only on sites that have convenient pedestrian, bike and vehicular access and sufficient off-street parking. Violation of any of the requirements and standards of this Section shall result in immediate revocation of the special permit.

(c) Requirements and Standards. Food Trucks shall only be permitted subject to the following requirements and standards except where a Food Truck Park has been approved by the Planning and Zoning Commission as provided in subsection D hereof:

(1) Food Trucks shall not conduct vending more than once a week at any one (1) property, other than at active construction sites as authorized by the Building Commissioner.
(2) Hours of operation shall be limited to between 7:00 a.m. and 9:00 p.m.
(3) Food Trucks shall maintain a minimum separation of ten feet (10’) between vehicles and/or equipment and shall not be parked or operated within twenty feet (20’) of a building.
(4) Sanitary facilities for vendors must be provided by the host property.
(5) Food Trucks may not be parked overnight, and must be removed from the property.
(6) Food trucks must be self-contained when vending, except for the required trash and/or recycling receptacles, which shall be placed in close proximity to the food truck and shall not impede the free movement of automobiles or pedestrians.
(7) Food Truck vendors or the host property owner shall remove all waste and trash at the close of business.
(8) Food Trucks must be specifically designed and constructed to sell the food offered and be approved by the Cuyahoga County Board of Health.
(9) Food Trucks shall serve pedestrian customers only. No drive-through or drive-in service.
(10) Each Food Truck shall display its Health Department Certificate in a prominent location.
(11) Food Truck vendors must have a valid State of Ohio driver’s license and vehicle registration.

(12) Food Trucks shall be located so as to minimize the impact on available parking, and shall not block fire hydrants, fire lanes, or means of egress from buildings.
(13) Food Trucks shall comply at all times with the City's noise regulations.
(14) Food Truck vendors may only conduct business when their vehicles are parked and stationary.
(15) Food Trucks shall comply with the provisions of Codified Ordinance Section 711.01.
(16) Food Trucks operators shall register with the City and shall be subject to inspection by the City's Fire Prevention Bureau during operation.
(17) Fueling of Food Trucks or associated generators shall not be permitted at the vending site.
(18) Each Food Truck shall have an exterior emergency shut off for flow from propane and/or natural gas tanks and said shut off shall be clearly marked.
(19) All Food Trucks shall have a minimum ten (10) lb. ABC fire extinguisher. Food Trucks that produce grease laden vapors shall have a "K" class fire extinguisher.
(20) Generators not permanently attached to Food Trucks shall be located a minimum of twenty feet (20') from any building, vehicle, or other equipment.
(21) There shall be no alcoholic beverage service associated with Food Truck vending.

(d) Food Truck Parks. The Planning and Zoning Commission may approve a Site Development Plan for a Food Truck Park in any U-4A Integrated Business District or U-4B Shopping Center District provided that such facilities comply with the following criteria and standards:
(1) Food Trucks shall only operate from designated spaces in accordance with the approved Site Development Plan.
(2) The number of Food Trucks shall be as designated on the approved Site Development Plan.
(3) Hours of operation shall be limited to between 7:00 a.m. and 11:00 p.m.
(4) Food Trucks shall maintain a minimum separation of ten feet (10') between vehicles.
(5) Restroom facilities for patrons shall be provided on site in a permanent building.
(6) Covered and open air seating for patrons shall be provided in accordance with the approved Site Development Plan.
(7) Food trucks must be self-contained when vending, except for the required trash and/or recycling receptacles, which shall be placed in close proximity to the food truck and shall not impede the free movement of automobiles or pedestrians.
(8) Food Trucks must be specifically designed and constructed to sell the food offered and be approved by the Cuyahoga County Board of Health.
(9) Food Trucks shall serve pedestrian customers only. No drive-through or drive-in service.
(10) Each Food Truck shall display its Health Department Certificate in a prominent location.
(11) Food Truck vendors must have a valid State of Ohio driver's license and vehicle registration.
(12) Food Trucks shall comply at all times with the City's noise regulations.
(13) Food Trucks shall comply with the provisions of Codified Ordinance Section 711.01.
(14) Food Trucks operators shall register with the City and shall be subject to inspection by the City's Fire Prevention Bureau during operation.
(15) Fueling of Food Trucks or associated generators shall not be permitted at the vending site.

(16) Each Food Truck shall have an exterior emergency shut off for flow from propane and/or natural gas tanks and said shut off shall be clearly marked.
(17) All Food Trucks shall have a minimum ten (10) lb. ABC fire extinguisher. Food Trucks that produce grease laden vapors shall have a “K” class fire extinguisher.
(18) Generators not permanently attached to Food Trucks shall be located a minimum of twenty feet (20’) from any building, vehicle, or other equipment.

CHAPTER 1157
Riparian and Wetland Setbacks

1157.01 Purpose and intent.
1157.02 Applicability and compliance.
1157.03 Establishment of designated watercourses.
1157.04 Establishment of riparian setbacks.
1157.05 Exceptions.
1157.06 Establishment of wetland setbacks.
1157.07 Use of setbacks.
1157.08 Non-conforming uses and/or structures.

CROSS REFERENCES
Storm water management - see P. & Z. Ch. 1177

1157.01 PURPOSE AND INTENT.

This Chapter is intended to:

(a) Protect the physical, chemical, and biological characteristics of receiving streams and to maintain stream functions;

(b) Maintain storm water quantity and quality controls to minimize damage to public and private property and to protect the health, safety, and welfare of the residents of Beachwood;

(c) Preserve natural drainage characteristics and minimize the degradation of water resources;

(d) Prevent unnecessary stripping of vegetation and loss of soil; and

(e) Reduce the costs for maintenance and repairs resulting from inadequate storm water control due to the loss of riparian and wetland areas.

(Ord. 2008-70. Passed 7-21-08.)

1157.02 APPLICABILITY AND COMPLIANCE.

These regulations shall apply to all lands within the regardless of Use District or Area District classification. No land shall be developed or altered, no building permits shall be issued, and no soil disturbing activity shall be commenced except in compliance with these regulations. (Ord. 2008-70. Passed 7-21-08.)

1157.03 ESTABLISHMENT OF DESIGNATED WATERCOURSES.

A designated watercourse shall include any watercourse that meets any of the following criteria:

(a) All watercourses draining an area equal to or greater than one-half (0.5) square mile, or

(b) All watercourses draining an area less than one-half (0.5) square mile and having a defined bed and bank as determined by the Engineer.

(Ord. 2008-70. Passed 7-21-08.)

1157.04 ESTABLISHMENT OF RIPARIAN SETBACKS.

(a) In addition to such other setbacks and yards as may be required elsewhere in this Code, no buildings, structures, or parking areas shall be located closer than:

(1) Seventy-five feet (75') on each side of all designated watercourses draining an area equal to or greater than one-half (0.5) square mile, or

(2) Twenty-five feet (25') on each side of all designated watercourses draining an area less than one-half (0.5) square mile and having a defined bed and bank as determined in these regulations.

(b) Riparian setbacks shall be measured in a perpendicular and horizontal direction

outward from the ordinary high watermark of each designated watercourse.

(c) Riparian setbacks shall be established and marked in the field prior to the commencement of any soil disturbing or land clearing activity.

(d) Where the one hundred year (100) floodplain is wider than the minimum riparian setback on either or both sides of a designated watercourse, the minimum riparian setback shall be extended to include the outermost boundary of the one hundred year (100) floodplain.

(e) Applicants for permits shall be responsible for delineating designated watercourses and riparian setbacks and submitting such delineation to the Engineer, who shall make the final determination regarding required riparian setbacks.

(Ord. 2008-70. Passed 7-21-08.)

1157.05 EXCEPTIONS.

These riparian setback regulations shall not apply to watercourses where the Engineer makes a determination that the watercourse has been previously channeled, enclosed, or otherwise altered in such a manner and to such an extent that it is no longer considered to be a natural stream but part of an improved storm water system.
(Ord. 2008-70. Passed 7-21-08.)

1157.06 ESTABLISHMENT OF WETLAND SETBACKS.

(a) No buildings, structures, or parking areas shall be located closer than:
  (1) Fifty feet (50') from the outermost boundary of a Category 3 wetland, or
  (2) Thirty feet (30') from the outermost boundary of a Category 2 wetland.

(b) Where a wetland is wider than the minimum required riparian setback on either or both sides of a designated watercourse, the minimum riparian setback shall be extended to include the outermost boundary of the wetland, plus the following additional setback widths based upon the particular wetland category.

(c) Wetlands shall be delineated through a site survey prepared by a qualified wetlands professional using delineation protocols accepted by the U.S. Army Corps of Engineers and Ohio EPA at the time an application is made. (Ord. 2008-70. Passed 7-21-08.)

1157.07 USE OF SETBACKS.

Riparian and wetland setbacks shall be preserved in their natural state. There shall be no land disturbing or earth moving activities conducted within riparian and/or wetland setbacks except as specifically permitted by the Engineer. There shall be no disturbance of the natural vegetation except for Conservation maintenance necessary to control noxious weeds. There shall be no filling, dredging, or dumping of any materials except for non-commercial composting of uncontaminated natural materials. (Ord. 2008-70. Passed 7-21-08.)

1157.08 NON-CONFORMING USES AND/OR STRUCTURES.

(a) Any non-conforming use located within a riparian and/or wetland setback at the time of adoption of these regulations may be continued, however, such use shall not be changed or enlarged except in such manner as to make it more compliant with these regulations.

(b) Non-conforming structures located within riparian and/or wetland setbacks at the time of adoption of these regulations may be continued, however, the existing building or structure shall not be expanded or enlarged in such a manner as would place the building or structure closer to the designated stream or wetland. (Ord. 2008-70. Passed 7-21-08.)

CHAPTER 1159
Determinations and Variances

1159.01 Determinations.
1159.02 Variance authority.
1159.03 Variance applications.
1159.04 Area variances.
1159.05 Use variances.
1159.06 Action by Commission.
1159.07 Action by Council.
1159.08 Appeals.

1159.01 DETERMINATIONS.

Where specifically authorized by the provisions of this Code, the Commission may, subject to Section 1159.02 below, with the consent and approval of Council, make a determination that a requested Use which is not expressly listed as a permitted use within a particular Use District is a similar, harmonious, and compatible use within said District where the approval of said Use will not adversely affect other properties and is consistent with the spirit and intent of both the Use District and this Code. Where a Use is determined by the Commission and Council to be similar, harmonious, and compatible to the listed permitted uses in a District, it shall thereafter be treated as a permitted Use within the identified Use District. Such determinations by the Commission and Council shall be considered interpretations of this Code and not Use variances.
(Ord. 2009-55. Passed 9-8-09.)

1159.02 VARIANCE AUTHORITY.

(a) The Commission may authorize, upon appeal, in specific cases, such area variances from the terms of Chapters 1113, 1114, 1141, 1143, 1145,1146, 1157 of this Code, and Chapter 935 of the Streets and Public Services Code, as will not be contrary to the public interest, where, owing to special conditions or unique circumstances, a literal enforcement of the provisions or requirements this Code will result in a practical difficulty and so that the spirit of this Code shall be observed and substantial justice done.

(b) Except as specifically provided in Subsection (a) hereof, the Commission may recommend and the Council may authorize, upon appeal, in specific cases, such variances from the terms of this Code as will not be contrary to the public interest, where, owing to special conditions or unique circumstances, a literal enforcement of the provisions or requirements this Code will result in unnecessary hardship or practical difficulty and so that the spirit of this Code shall be observed and substantial justice done.
(Ord. 2009-55. Passed 9-8-09.)

1159.03 VARIANCE APPLICATIONS.

Each application for a variance shall be accompanied by a statement of justification for the requested variance along with substantiating evidence regarding the required findings of fact as set forth herein. It shall be the responsibility of each applicant to provide sufficient information and clear and convincing evidence to support the requested variance.
(Ord. 2009-55. Passed 9-8-09.)

1159.04 AREA VARIANCES.

No appeal for an area variance, that is a variance involving provisions relating to spatial or dimensional requirements, such as yard dimensions, setbacks, height, parking, or similar requirements or provisions of this Code, shall be recommended or granted by the Commission or granted by Council unless the Commission and/or Council determine by clear and convincing

evidence that a practical difficulty exists or will result from the literal enforcement of the Code. The following standards shall be considered and weighed by the Commission and Council in determining whether the granting of an area variance is warranted to afford relief of a practical difficulty:

(a) Whether the property in question will yield a reasonable return and whether there can be any beneficial use of the property without the variance.

(b) Whether the variance is substantial.

(c) Whether the essential character of the neighborhood will be substantially altered and whether adjoining properties will suffer interference with their proper future development and rights as a result of the variance.

(d) Whether the variance will adversely affect the delivery of governmental services (i.e. water, sewer, garbage, fire, police, or other).

(e) Whether the property owner purchased the property with knowledge of the zoning restriction.

(f) Whether the property owner's predicament can be obviated through some method other than a variance.

(g) Whether the spirit and intent of the Code will be observed and substantial justice done by granting the variance.

(h) Whether granting of the variance will be contrary to the general purpose, intent, and objective of the specific Use District.

(i) Whether the variance requested arises from a condition or circumstance which is unique to the subject site and which is not generally shared by other properties in the same zoning district or general vicinity.

(j) Whether the practical difficulty is created by the Code and not by any action or actions of the property owner or the applicant.

(k) Whether the variance desired will adversely affect the public health, safety, or general welfare.

(l) Whether the variance requested is the minimum variance necessary to afford relief to the property owner.

(Ord. 2009-55. Passed 9-8-09.)

1159.05 USE VARIANCES.

No appeal for a use variance, that is, a variance for the approval of a use which is not permitted in the district, shall be recommended by the Commission or granted by Council unless the Commission and Council determine by clear and convincing evidence that an unnecessary hardship exists or will result from the literal enforcement of the Code. The following standards shall be considered and weighed by the Commission and Council in determining whether the granting of a use variance is warranted to afford relief of an unnecessary hardship:

(a) Whether uses permitted in the district may be reasonably established on the property and whether the permitted uses are economically viable on the property in question without the variance.

(b) Whether the variance is the minimum variance necessary to afford relief to the property owner.

(c) Whether the essential character of the neighborhood will be substantially altered or adjoining properties will suffer interference with their proper future development and rights as a result of the variance.

(d) Whether the variance requested arises from an exceptional condition or circumstance which is unique to the subject site and which is not generally shared by other properties in the same zoning district or general vicinity.

(e) Whether the hardship condition was created by actions of the applicant.

(f) Whether the spirit and intent of the Code will be observed and substantial justice done by granting the variance.

(g) Whether the use requested is similar in character to the permitted uses in the subject district.

(h) Whether the subject property is adequate to meet the needs and requirements of the proposed use.

(Ord. 2009-55. Passed 9-8-09.)

1159.06 ACTION BY COMMISSION.

In granting or recommending approval of a variance, the Commission may prescribe appropriate conditions, stipulations, requirements, and safeguards in conformity with this Code. Violations of such conditions, stipulations, requirements, and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Code.
(Ord. 2009-55. Passed 9-8-09.)

1159.07 ACTION BY COUNCIL.

Council shall consider the recommendation of the Commission along with the variance application, including any and all conditions, stipulations, requirements, and safeguards recommended by the Commission. Council may include and attach the conditions, stipulations, requirements, and safeguards recommended by the Commission, may modify the recommendations of the Commission, and/or may prescribe such additional conditions, stipulations, requirements, and safeguards as it may deem necessary and appropriate as terms and conditions under which the variance is granted. Violations of such conditions, stipulations, requirements, and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Code.
(Ord. 2009-55. Passed 9-8-09.)

1159.08 APPEALS.

(a) Any person, firm, or corporation aggrieved by any final decision of the Commission with regard to an application for a variance may appeal such decision to the Council provided that such appeal shall be filed within thirty (30) days after the date of the Commission's action.

(b) Any person, firm, or corporation aggrieved by any decision of the Council with regard to an application for a variance may appeal such decision to the Court of Common Pleas provided that such appeal shall be filed within thirty (30) days after the date of Council's action. (Ord. 2009-55. Passed 9-8-09.)

TITLE SEVEN – Storm Water Management
Chap. 1173. Illicit Discharge and Illegal Connection Control.
Chap. 1177. Storm Water Management.

CHAPTER 1173
Illicit Discharge and Illegal Connection Control

1173.01 Purpose and intent.
1173.02 Applicability.
1173.03 Definitions.
1173.04 Conflicts, severability, nuisances and responsibility.
1173.05 Responsibility and authority.
1173.06 Discharge and connection prohibitions.
1173.07 Monitoring of illicit discharges and illegal connections.
1173.08 Enforcement.

CROSS REFERENCES
Storm water management - see P. & Z. Ch. 1177

1173.01 PURPOSE AND INTENT.

The purpose of this regulation is to provide for the health, safety, and general welfare of the citizens of the City through the regulation of Illicit Discharges to the Municipal Storm Sewer System. This regulation establishes methods for controlling the introduction of Pollutants into the Municipal Storm Sewer System in order to comply with requirements of the National Pollutant Discharge Elimination System "NPDES" permit process as required by the Ohio Environmental Protection Agency "Ohio EPA".

It is the intent of this regulation to prohibit Illicit Discharges and Illegal Connections to the City's Municipal Storm Sewer System and to establish legal authority to carry out inspections, monitoring procedures, and enforcement actions necessary to ensure compliance with this regulation. (Ord. 2008-70. Passed 7-21-08.)

1173.02 APPLICABILITY.

This regulation shall apply to all residential, commercial, industrial, or institutional facilities responsible for discharges to the Municipal Storm Sewer System except discharges generated by exempt activities as set forth in Section 1173.06 hereof.
(Ord. 2008-70. Passed 7-21-08.)

1173.03 DEFINITIONS.

The words and terms used in this regulation, unless otherwise expressly stated, shall have the following meaning:

(a) "Best Management Practices 'BMP'" means schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of Pollutants to storm water. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

(b) "Hazardous Material" means any material including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

(c) "Illicit Discharge" means any discharge to a Municipal Storm Sewer System that is not composed entirely of storm water, except for those discharges made pursuant to an NPDES permit or noted in Section 1173.06 of this regulation.

(d) "Illegal Connection" means any drain or conveyance, whether on the surface or subsurface, that allows an Illicit Discharge to enter the Municipal Storm Sewer System.

(e) "Municipal Storm Sewer System" means all of the various facilities and systems used by the City for collecting and/or conveying storm water which includes drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm sewers.

(f) "Off-Lot Discharging Home Sewage Treatment System" means a system designed to treat home sewage on-site and discharges treated wastewater effluent off the property into a storm water or surface water conveyance or system.

(g) "Owner/Operator" means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or on the owner's behalf.

(h) "Pollutant" means anything that causes or contributes to pollution. Pollutants may include, but are not limited to, paints, varnishes, solvents, oil and other automotive fluids, non-hazardous liquid and solid wastes, yard wastes, refuse, rubbish, garbage, litter or other discarded or abandoned objects, floatable materials, pesticides, herbicides, fertilizers, Hazardous Materials, wastes, sewage, dissolved and particulate metals, animal wastes, residues that result from constructing a structure, and noxious or offensive matter of any kind.
(ORD. 2008-70. Passed 7-21-08.)

1173.04 CONFLICTS, SEVERABILITY, NUISANCES AND RESPONSIBILITY.

(a) Compliance with the provisions of this regulation shall not relieve any person from responsibility for damage to any person otherwise imposed by law. The provisions of this regulation are promulgated to promote the health, safety, and welfare of the public and are not designed for the benefit of any individual or for the benefit of any particular parcel of property.

(b) Where this regulation is in conflict with other provisions of law or ordinance, the most restrictive provisions shall prevail.

(c) If any provision of this regulation is declared invalid or unconstitutional by a court of competent jurisdiction, the validity of the remainder shall not be affected thereby.

(d) This regulation shall not be construed as authorizing any person to maintain a nuisance on their property, and compliance with the provisions of this regulation shall not be a defense in any action to abate such a nuisance.

(e) Failure of the City to observe or recognize hazardous or unsightly conditions or to recommend corrective measures shall not relieve the site owner from the responsibility for the condition or damage resulting there from.
(Ord. 2008-70. Passed 7-21-08.)

1173.05 RESPONSIBILITY AND AUTHORITY.

The Engineer shall administer, implement, and enforce the provisions of this regulation. (Ord. 2008-70. Passed 7-21-08.)

1173.06 DISCHARGE AND CONNECTION PROHIBITIONS.

(a) Prohibition of Illicit Discharges. No person shall discharge, or cause to be discharged, an Illicit Discharge into the Municipal Storm Sewer System. The commencement, conduct, or continuance of any Illicit Discharge to the Municipal Storm Sewer System is prohibited except as described below:

(1) Water line flushing; landscape irrigation; diverted stream flows; rising ground waters; uncontaminated ground water infiltration; uncontaminated

pumped ground water; discharges from potable water sources; foundation drains; air conditioning condensate; irrigation water; springs; water from crawl space pumps; footing drains; lawn watering; individual residential car washing; flows from riparian habitats and wetlands; dechlorinated swimming pool discharges; street wash water; and discharges or flows from firefighting activities.

(2) Discharges authorized in writing by the Engineer as being necessary to protect public health and safety.

(3) Discharges from Off-Lot Discharging Home Sewage Treatment Systems permitted by the Cuyahoga County Board of Health for the purpose of discharging treated sewage effluent in accordance with Ohio Administrative Code 3701-29-02(6). These discharges are exempt unless such discharges are deemed to be creating a public health nuisance by the Board of Health.

(b) Prohibition of Illegal Connections. The construction, use, maintenance, or continued existence of Illegal Connections to the Municipal Storm Sewer System is prohibited. This prohibition expressly includes, without limitation, Illegal Connections made prior to the effective date of this regulation, regardless of whether the connection was permissible at the time of connection. A person is considered to be in violation of this regulation if the person connects a line conveying Illicit Discharges to the Municipal Storm Sewer System, or allows such a connection to continue. (Ord. 2008-70. Passed 7-21-08.)

1173.07 MONITORING OF ILLICIT DISCHARGES AND ILLEGAL CONNECTIONS.

(a) Establishment of an Illicit Discharge and Illegal Connection Monitoring Program: The Engineer is hereby authorized to establish a program to detect and eliminate Illicit Discharges and Illegal Connections to the Municipal Storm Sewer System. This program shall include the mapping of the Municipal Storm Sewer System, including Municipal Storm Sewer System Outfalls and home sewage treatment systems; the periodic inspection of storm water outfalls to the Municipal Storm Sewer System, and the periodic investigation of potential residential, commercial, industrial, and institutional facilities for the sources of any dry weather flows found as the result of such periodic inspections.

(b) Inspection of Residential, Commercial, Industrial, or Institutional Facilities.

(1) The Engineer, or his designee, shall be permitted to enter and inspect facilities subject to this regulation as may be necessary to determine compliance. Any temporary or permanent obstruction to safe and reasonable access to the facility to be inspected shall be promptly removed by the facility's Owner/Operator at the request of the Engineer.

(2) The Engineer shall have the right to require the facility Owner/Operator to install monitoring equipment as necessary. This sampling and monitoring equipment shall be maintained at all times in safe and proper operating condition by the facility Owner/Operator at the Owner/Operator's expense. All devices used to measure storm water flow and quality shall be calibrated to ensure their accuracy.

(3) If the City is refused access to any part of the facility from which storm water is discharged, and the Engineer demonstrates probable cause to believe that there may be a violation of this regulation, or that there is a need to inspect to verify compliance with this regulation or any order issued hereunder, or to protect the public health, safety, and welfare, the City may seek issuance of a search warrant, civil remedies including but not limited to injunctive relief, and/or criminal remedies from any court of appropriate jurisdiction.

(4) Costs associated with these inspections may be assessed against the facility Owner/Operator. (Ord. 2008-70. Passed 7-21-08.)

1173.08 ENFORCEMENT.

(a) It shall be unlawful for any Owner/Operator to violate any provision or fail to comply with any of the requirements of this regulation. When the Engineer finds that a person has violated a prohibition or failed to meet a requirement of this regulation, he may order compliance by written Notice of Violation. Such notice shall specify the violation and shall be hand delivered or sent by registered mail, to the Owner/Operator of the facility.

(b) Such Notice of Violation may require:

(1) The performance of monitoring, analyses, and reporting;

(2) The elimination of Illicit Discharges or Illegal Connections;

(3) That violating discharges, practices, or operations cease and desist;

(4) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property; and/or

(5) The implementation of source control or treatment BMPs.

(c) If abatement of a violation and/or restoration of affected property is required, the Notice of Violation shall set forth a deadline within which such remediation or restoration must be completed. Said Notice shall further advise that, should the facility Owner/Operator fail to take the necessary corrective action within the established deadline, a legal action for enforcement may be initiated.

(d) If an Owner/Operator has violated or continues to violate the provisions of this regulation, the Engineer may petition for a preliminary or permanent injunction restraining the Owner/Operator from activities that would create further violations or compelling the Owner/Operator to perform abatement or remediation of the violation.

(e) Any person receiving a Notice of Violation shall have the right to appeal the determination of the Engineer by filing a request for an administrative hearing. Any such appeal must be filed in writing with the Building Commissioner within ten (10) working days of receipt of the Notice of Violation. Upon receipt of an appeal and request for an administrative hearing, the Building Commission shall schedule the matter for the next regularly scheduled meeting of the Commission at which time the applicant shall be heard and testimony may be given. Upon the conclusion of the hearing, the Commission shall make a determination regarding the existence of a violation and the necessity, type, and time frame of any corrective action required.

(Ord. 2008-70. Passed 7-21-08.)

CHAPTER 1177
Storm Water Management

1177.01 Purpose.
1177.02 Definitions.
1177.03 Projects to which this chapter applies.
1177.04 Projects to which this chapter does not apply.
1177.05 Compliance with other applicable laws.
1177.06 Comprehensive storm water management plans required.
1177.07 Contents of comprehensive storm water management plans.
1177.08 Minimum requirements for storm water pollution prevention plans.
1177.09 Minimum requirements for storm water control plans.
1177.10 Minimum requirements for storm water quality plans.
1177.11 Construction requirements.
1177.12 Maintenance requirements.
1177.13 Permits and deposits.
1177.99 Penalty.

CROSS REFERENCES
Illicit Discharge and Illegal Connection Control - see P. & Z. Ch. 1173

1177.01 PURPOSE.
The purpose of this chapter is to:

(a) Reduce impacts due to soil erosion and sedimentation caused by construction activities.

(b) Reduce damage to the receiving streams and drainage systems caused by increases in sedimentation discharged from development activities.

(c) Reduce deterioration of the quality of the receiving waters.

(d) Reduce downstream flooding by controlling runoff.

(e) Establish a basis for design of storm water management facilities.

(f) Provide for perpetual maintenance of storm water runoff quality and quantity.

(Ord. 2011-90. Passed 7-18-11.)

1177.02 DEFINITIONS.
(a) For the purpose of this Chapter:

(1) Words used in the present tense include the future tense, and the singular includes the plural unless the context clearly indicates the contrary.

(2) The term "shall" is always mandatory and not discretionary; the word "may" is permissive.

(3) Any word or term used in these regulations but not defined in this section shall be given the standard or common interpretation.

(b) As used in this chapter:

(1) "Applicant" means the Developer, Owner or Contractor applying for the Building Permit or Occupancy Permit.

(2) "Best Management Practices ‘BMP's’" means activities, practices and procedures to prevent or reduce the discharge of pollutants directly or indirectly to the municipal storm drain system and waters of the United States. Best Management Practices include but are not limited to: treatment facilities to remove Pollutants from storm water; operating and maintenance procedures; facility management practices to control runoff; Erosion and Sediment Control Practices; and the prohibition of specific activities, practices, and procedures and such other provisions as the City determines appropriate for the control of Pollutants.

(3) "Building Permit" means the permit to start construction issued by the Building Commissioner or his assigns in accordance with Chapter 1329 Permits, Fees and Deposits.

(4) "City" means the City of Beachwood.

(5) "Channel" means a natural stream that conveys water or a man-made structure or ditch excavated for the flow of water.

(6) "Concentrated Storm Water Runoff" means surface runoff which converges and flows primarily through water conveyance features such as swales, gullies, waterways, Channels, or storm sewers, and which exceeds the maximum specified flow rates of filters or perimeter controls intended to control Sheet Flow.

(7) "Conservation" means the wise use and management of natural resources.

(8) "Cut and Fill Slopes" means a portion of land surface or area from which soil material is excavated and/or filled, forming a slope or embankment.

(9) "Cuyahoga Soil and Water Conservation District" means the local section of Ohio Department of Natural Resources, organized under Ohio R.C. Chapter 940.

(10) "Denuded Area" means a portion of land surface on which the vegetation or other soil stabilization features have been removed, destroyed, or covered and which may result in or contribute to erosion and sedimentation.

(11) "Development Area" means any tract, lot or parcel of land where an earth-disturbing activity is to be performed in accordance with a single plan of development.

(12) "Drainage Pattern" means the path of flow of storm water runoff and the methods of collecting the water including Sheet Flows, ditches, swales, storm sewers, culverts, manholes, catch basins, trench drains, detention and retention basins, and ponds.

(13) "Earth-Disturbing Activity" means any clearing, Grubbing, grading, excavating, filling, or other alteration of the earth's surface where natural or man-made ground cover is destroyed.

(14) "Engineer".

A. "Engineer" means the person selected by Council to perform Professional Engineering Services and hired by the City in accordance with the Ordinance passed approving such hiring.

(15) "Erosion" means the process by which the land surface is worn away and relocated by the action of water, wind, ice or gravity.

(16) "Erosion and Sediment Control Practices" means Conservation measures used to control wearing away and movement of soils and may include structures, vegetation and management techniques.

(17) "Federal Clean Waters Act" means the Federal Water Pollution Control Act (33 V.S.C. Section 1251 et seq.) and any subsequent amendments thereto and its aim is to control and regulate the discharge of Pollutants into all waters.

(18) "Grading" means earth disturbing activity such as excavation, stripping, cutting, filling, stockpiling, dumping or any combination thereof.

(19) "Grubbing" means removing, clearing or scalping material such as roots, stumps or sod.

(20) "Landslide" means the rapid mass movement of soil and rock material downhill under the influence of gravity, in which the movement of the soil mass occurs along an interior surface of sliding

(21) "National Pollutant Discharge Elimination System “NPDES” Storm Water Discharge Permits" means general, group and individual storm water discharge permits which regulate facilities defined in Federal NPDES regulations pursuant to the Clean Water Act.

(22) "Notice of Intent “NOI” " means an application form submitted to the Ohio Environmental Protection Agency (OEPA) whereby the Applicant certifies their intent to comply with the general permit requirements of the NPDES permit.

(23) "Occupancy Permit" means the permit issued by the City Building Commissioner as described in Chapter 1313.

(24) "OEPA" means the Ohio Environmental Protection Agency.

(25) "Outfall" means an area where water flows from a structure, such as a conduit, storm sewer, improved Channel, or drain, and the area immediately beyond the structure which is impacted by the velocity of flow in the structure.

(26) "Permit Holder" means the person or entity with a building permit.

(27) "Person" means any individual, corporation, partnership, joint venture, agency, unincorporated association, municipal corporation, township, county, state agency, the Federal government or any combination thereof.

(28) "Post Development" means the condition and Drainage Pattern after an earth disturbing activity has been completed.

(29) "Project Site" means Development Area.

(30) "Qualified Inspection Personnel" means a person knowledgeable in the principles and practice of Erosion and Sediment Controls, who possesses the skills to assess all conditions at the construction site that could impact storm water quality and to assess the effectiveness of any Erosion and Sediment Control Practices selected to control the quality of storm water discharges from the construction activity.

(31) "Sediment" means solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by wind, water, gravity, or ice, and has come to rest on the earth's surface.

(32) "Sediment Barrier" means a Sediment control device such as a geotextile Silt Fence or Filter Strip, usually capable of controlling only small flow rates and as defined in "Rainwater and Land Development", (latest edition) Ohio's Standards for Stormwater Management Land Development and Urban Stream Protection (available from Ohio Department of Natural Resources, Division of Soil and Water Conservation).

(33) "Sediment Settling Facility" means a Settling Pond, meeting or exceeding the design specifications of a temporary Sediment basin as defined in "Rainwater and Land Development", (latest edition) Ohio's Standards for Stormwater Management Land Development and Urban Stream Protection (available from Ohio Department of Natural Resources, Division of Soil and Water Conservation).

(34) "Sediment Control" means the limiting of Sediment transport by controlling Erosion or detaining Sediment-laden water, allowing Sediment to settle out and the implementing of BMPs.

(35) "Sensitive Area" means an area or water resource (as delineated prior to Storm Water Pollution Prevention Plan approval) that requires special management because of its susceptibility to Sediment pollution or because of its importance to the well-being of the surrounding communities, the region or the State and includes:

A. Ponds, wetlands or small lakes with less than five (5) acres of surface area;

B. Small streams with gradients less than ten feet (10’) per mile and with average annual flows of less than three and one-half feet (3.5’) per second containing sand or gravel bottoms;

C. Drainage areas of a locally or State designated scenic river; and

D. Slopes in excess of twenty-five percent (25%). (4H:1V)

(36) "Settling Pond" means a storm water runoff detention structure, such as a Sediment basin or Sediment trap, which detains Sediment-laden runoff,

allowing Sediment to settle out.

(37) "Sheet Flow" means water runoff in a thin, uniform layer, or in rills, which is of small enough quantity to be treated by Sediment Barriers.

(38) "Sloughing" means a slip or downward movement of an extended layer of soil resulting from the undermining action of water or the Earth-Disturbing Activity of man.

(39) “Soil” means erodible earth material.

(40) “Storm Water Pollution Prevention Plan ‘SWPPP’” means a plan of the Development Area showing the proposed implementation of Best Management Practices, as defined in paragraph (b)(2) hereof.

(41) "Stream" means a body of water running or flowing on the earth's surface or the Channel in which such flow occurs. Flow may be seasonally intermittent.

(42) "Unstable Soil" means a portion of the land surface which is prone to slipping, Sloughing or Landslides or is identified by Soil Conservation Service, USDA methodology as having low Soil strength.

(43) "Water Resources" means all streams, lakes, ponds, wetlands, water courses, waterways, drainage systems, and all other bodies or accumulations of surface water, which are situated wholly or partly within the City except those private waters which do not combine or effect a junction with natural surface waters.

(44) "Wetlands" means those areas of land with sufficient moisture, Soil type and supporting vegetation consistent with the definition of the United States Army Corp of Engineers (USACE). Wetlands shall be identified by an ecological resource specialist.

(Ord. 2011-90. Passed 7-18-11.)

1177.03 PROJECTS TO WHICH THIS CHAPTER APPLIES.

This Chapter applies to earth disturbing activities involving new, relocated, or expanded underground cables, pipelines, residential or commercial subdivisions, industrial, commercial and public areas, and all other land uses not specifically exempted as described in Section 1177.04. This Chapter also applies if the earth disturbing activity is only clearing by cutting trees which would change the storm water runoff pattern.
(Ord. 2011-90. Passed 7-18-11.)

1177.04 PROJECTS TO WHICH THIS CHAPTER DOES NOT APPLY.

This Chapter does not apply to:

(a) Land disturbing activities related to producing agricultural crops or silvicultural operations regulated by the Ohio Agricultural Sediment Pollution Abatement Rules.

(b) Strip mining operations regulated by Ohio R.C. Chapter 1513.

(c) Surface mining operations regulated by Ohio R.C. Chapter 1514.

(d) Earth disturbing activities involving an individual home site or an area less than one acre.

(e) Linear construction projects, such as pipeline or utility installation, which do not result in installation of impervious surface and are independent of other construction projects.

(Ord. 2011-90. Passed 7-18-11.)

1177.05 COMPLIANCE WITH OTHER APPLICABLE LAWS.

Applicants shall comply with all of the following provisions where applicable:

(a) The provisions of the Ohio Department of Natural Resources "Ohio Dam Safety Laws".

(b) The provisions of the “NPDES” as administered by the United States and the Ohio Environmental Protection Agencies. If an NPDES permit is required, a “NOI” must be submitted to the OEPA. A copy of the NPDES permit or an EPA-

signed statement saying that the permit is not needed shall be provided to the City. When required, the SWPPP shall be submitted to the Cuyahoga Soil and Water Conservation District for review.

(c) The provisions of the U.S. Army Corps of Engineers, Section 404 permits for Federally protected water resources, including wetlands, streams and lakeshores.

(d) The Federal Clean Waters Act (33 U.S.C. Sec 1251 et seq.).

(Ord. 2011-90. Passed 7-18-11.)

1177.06 COMPREHENSIVE STORM WATER MANAGEMENT PLANS REQUIRED.

Each application for a Building Permit for projects as defined in Section 1177.03 shall include a Comprehensive Storm Water Management Plan which plan shall consist of:

(a) A Storm Water Runoff Control Plan;

(b) A Water Quality Plan; and

(c) A Storm Water Pollution Prevention Plan.

Comprehensive Storm Water Management Plans shall comply with the requirements as set forth herein. (Ord. 2011-90. Passed 7-18-11.)

1177.07 CONTENTS OF COMPREHENSIVE STORM WATER MANAGEMENT PLANS.

(a) Contents of Plans: The following information shall be included in each of the Storm Water Pollution Prevention, Storm Water Runoff Control, and Water Quality Plans:

(1) A general project description including the nature, type, and purpose of Earth-Disturbing Activity and the larger common plan of development.

(2) A vicinity sketch locating the Development Area, and all pertinent surrounding features, including water resources, wetlands, riparian buffers, Conservation easements, and other sensitive natural resources.

(3) A Site Development Plan indicating the area of the site that is expected to undergo excavations, filling and Grading, or clearing.

(4) The location of Sensitive Areas receiving runoff from the development.

(5) The name and/or location of the immediate receiving stream or surface water(s) and the first subsequent named receiving water and the major river watersheds in which it is located.

(6) The existing and proposed topography with one-foot (1') contour intervals.

(7) The location and description of existing and proposed Drainage Patterns and facilities, including any allied drainage facilities beyond the Development Area.

(8) Existing and proposed watershed boundary lines, direction of flow and watershed acreage.

(9) The limits of clearing and Earth-Disturbing Activity.

(10) The types of Soils within, or affected by, the development as determined by the most current edition of the Cuyahoga County Soil Survey.

(11) The scheduling, phasing, and coordination of construction operations and Erosion and Sediment Control BMPs, including vegetative plantings and mulch.

(12) Surface water locations including springs, wetlands, streams, lakes, ponds, riparian areas, etc., on or within two hundred feet (200') of the site.

(13) Existing and planned locations of buildings and utilities that may affect Soil Erosion and Sediment Control Practices.

(14) The person or entity responsible for continued maintenance of all vegetative and/or mechanical BMPs used during the construction and post-construction phases of each development.

(15) Long-term maintenance requirements and schedules of all BMPs used during the construction and post-construction phases of each development.

(16) Long-term maintenance inspection schedules.
(17) The person or entity financially responsible for maintaining the permanent inspection and maintenance of permanent storm water conveyance and storage structures and other Conservation practices.
(18) The method of ensuring that funding will be available to conduct the long-term maintenance and inspections of all permanent storm water, Soil Erosion and Sediment Control, and water quality practices.
(19) The location of any riparian and/or wetland setback areas on the property.
(20) The plan must clearly describe for each major construction activity the appropriate BMPs and the general timing (or sequence) during the construction process of when the measures will be implemented; and, who will be responsible for implementation.
(21) The plan shall identify the subcontractors engaged in activities that could impact storm water runoff and shall contain signatures from all of the identified subcontractors indicating that they have been informed and understand their roles and responsibilities in complying with the plan.

(b) Storm Water Pollution Prevention Plans: The Storm Water Pollution Prevention Plan shall also include:
(1) A list of Soil Erosion and Sediment Control BMPs and the standards and specifications to be followed by the field contractors during installation.
(2) A map showing the location of the planned BMPs which shall include:
A. The location of each BMP.
B. The BMPs' size, detail drawings, maintenance requirements and design calculations.
C. The type and amount of plant seed, live plants, fertilizer, agricultural ground limestone, and mulch to be used.
D. Settling Ponds drawn to scale with basic dimensions and the calculations for size and volume.
E. Detailed drawings of all other structural control BMPs.
F. Proposed utilities, which may affect Soil Erosion and Sediment Control BMPs.
G. Any other Soil Erosion and Sediment Control related BMPs and items that are required by the Engineer.

(c) Storm Water Control Plans: Storm Water Control Plans shall include, at a minimum, the following additional information:
(1) A general description of the runoff control method proposed to meet this chapter.
(2) The location and design calculations for all permanent storm water conveyance, detention and retention structures, and other storm water control structures.
(3) Any other storm water control items required by the Engineer.

(d) Water Quality Plans: The Water Quality Plan shall also include:
(1) A description of the post construction BMPs that will be installed to control construction Pollutants in storm water discharges.
(2) A description of the water quality standards and projected treatment levels that will be addressed by the water quality BMPs being installed.
(Ord. 2011-90. Passed 7-18-11.)

1177.08 MINIMUM REQUIREMENTS FOR STORM WATER POLLUTION PREVENTION PLANS.

The minimum standards set forth herein shall not limit the right of the City to impose additional, more stringent requirements or to waive individual requirements. Storm Water Pollution Prevention Plans shall satisfy the minimum standards set forth below and shall meet

the specifications in the latest edition of "Rainwater and Land Development". Storm Water Pollution Prevention Plans shall meet following minimum standards:

(a) All Soil Erosion and Sediment Control Practices shall be functional throughout all phases of earth disturbing activity. Settling facilities, perimeter controls, and other practices intended to trap Sediment shall be implemented as the first step of Grading and within seven (7) days from the start of Grubbing. They shall continue to function until the Development Area is permanently restabilized.

(b) Clearing and Grubbing will be done in two (2) or more phases. The first phase will include only those locations necessary to install the perimeter Soil Erosion and Sediment and storm water control practices. After the perimeter controls are in place and functioning the remaining phase(s) of clearing and Grubbing may continue.

(c) Denuded Areas shall have soil stabilization applied within no more than seven (7) days if they are to remain dormant for more than forty-five (45) days. Permanent or temporary soil stabilization shall be applied to Denuded Areas within no more than seven (7) days after final grade is reached on any portion of the site.

(d) Concentrated Storm Water Runoff from Denuded Areas flowing at rates which exceed the design capacity of silt fences, the design capacity of other Sediment Barriers, the design capacity of inlet protection, or are the result of common drainage from ten (10) or more acres of disturbed land shall pass through a Sediment Settling Facility. The facility's storage capacity shall be no less than 1800 cubic feet of dewatering zone per acre of total contributing drainage area and 1000 cubic feet per disturbed acre of Sediment storage zone area. Trapping efficiency should be at least seventy-five (75%). Permanent storm water control ponds that are designed to trap Sediment during construction shall be designed to provide for a slow release of Sediment laden water. Draw down time must be a minimum of forty-eight (48) hours. Velocity dissipation devices shall be placed at the Outfall Channel as necessary to provide a non-erosive flow velocity from the structure to a watercourse so that the natural physical and biological characteristics and functions are maintained and protected.

(e) Sheet and rill flow runoff from Denuded Areas shall be diverted to a Settling Pond or treated by a geotextile silt fence or other approved Sediment Barrier. The total runoff flow treated by a Sediment Barrier shall not exceed the design capacity for that Sediment Barrier.

(f) All storm sewer inlets which accept water runoff from the Development Area shall be protected so that Sediment laden water will not enter the storm sewer without first being filtered or otherwise treated to remove Sediment, unless the storm sewer system drains to a settling facility. Inlets receiving runoff from drainage areas of one (1) acre or more shall require a Sediment Settling Pond.

(g) Streams including bed and banks shall be re-stabilized immediately after in-channel work is completed, interrupted, or stopped. To the extent practicable, construction vehicles shall be kept out of streams. Where in-channel work is necessary, precautions shall be taken to stabilize the work area during construction to minimize Erosion.

(h) If a stream must be crossed by construction vehicles regularly during construction, a temporary stream crossing shall be provided. Temporary stream crossings shall have hydraulic capacity and/or overflow capability to prevent upstream flooding.

(i) Measures shall be taken to prevent Soil and other solids and Pollutants from being transported onto surfaces where runoff is not checked by Sediment Controls, or onto public roads. Minimize such tracking by installing gravel construction entrances. Where such materials are transported onto a public road surface, the roads shall be cleaned thoroughly at the end of each day, or more frequently as required by the City Public Works Director. Said materials shall be removed from paved surfaces by shoveling or sweeping. Street washing shall be allowed only after most of the Sediment has been removed by shoveling or sweeping.

(j) No Soil, rock, debris, or any other material shall be dumped or placed into a water resource or into such proximity that it may readily slough, slip, or erode into a water resource unless such dumping or placing is authorized by the City, and, when applicable, the U.S. Army Corps of Engineers, for such purposes as, but not limited to, constructing bridges, culverts, and Erosion control structures.

(k) Unstable Soils prone to slipping or sliding shall not be graded, excavated, filled or have loads imposed upon them unless the work is done in accordance with a qualified professional engineer's recommendations to correct, eliminate, or adequately address the problems.

(l) Cut and fill slopes shall be designed and constructed in a manner which will minimize Erosion. Consideration shall be given to the length and steepness of the slope, Soil type, up slope drainage area, groundwater conditions, and slope stabilization.

(m) Outfalls and constructed or modified Channels shall be designed and constructed to withstand the expected velocity of flow from a Post Development, ten-year (10) (or greater) frequency storm without eroding.

(n) A permanent vegetative cover shall be established on Denuded Areas not otherwise permanently stabilized. Permanent vegetation shall not be considered established until ground cover is achieved which, in the opinion of the Engineer, covers eighty percent (80%) or more of the Soil surface and provides adequate cover and is mature enough to control Soil Erosion satisfactorily and to survive adverse weather conditions.

(o) All temporary Erosion and Sediment Control Practices shall be disposed of within thirty (30) days after final site stabilization is achieved or after the temporary practices are no longer needed, unless otherwise authorized by the Building Commissioner upon a written recommendation of the Engineer. Trapped Sediment shall be permanently stabilized to prevent further Erosion, or removed from the site.

(p) All Erosion and Sediment Control Practices shall be designed and constructed to minimize maintenance requirements. They shall be maintained and repaired as needed to assure continued performance of their intended function. Erosion and Sediment Control Practices shall be inspected by the Applicant or his designee once every seven (7) days and within twenty-four (24) hours of half inch (0.5") or greater rainfall amount. The inspection frequency may be reduced to once every month if the entire site is temporarily stabilized or runoff is unlikely due to weather conditions such as snow or ice. A waiver of inspections may be granted if the site is frozen and land disturbance activities have been suspended for a specific period of time. A written log of these inspections must be kept by the Applicant or his designee. This log shall be prepared by Qualified Inspection Personnel and shall indicate the date of inspection, name and qualifications of the inspector, weather conditions, observations, locations of any discharges of Sediment, locations and conditions of BMP's, recommended corrective actions or need for additional BMP's, actions taken to correct any problems and the date action was taken. Sensitive Areas such as riparian and wetland setbacks shall be observed to ensure that they remain well marked and undisturbed. Upon a request of the Engineer the owner shall submit these documents.

(q) During construction of underground utility lines, pipes etc., trench dewatering devices shall discharge in an approved manner which will not adversely affect water resource or off-site property.

(r) If the construction site is subject to Ohio EPA's NPDES Permits, a copy of all the required inspection sheets shall be submitted to the Building Commissioner within two (2) working days of the date that the inspection was conducted.

(Ord. 2011-90. Passed 7-18-11.)

1177.09 MINIMUM REQUIREMENTS FOR STORM WATER CONTROL PLANS.

(a) Storm water control systems shall be designed for the ultimate use of the land.

Phased construction projects shall provide a storm water management for the ultimate development of the total project area.

(b) Storm detention or retention basins and facilities shall be designed so that they will continue to function with minimal maintenance and maximum water quality benefit. Developers and designers shall make all reasonable attempts to avoid wetlands and shall not cut off the water supply to an identified wetland. Wetland impacts must be coordinated with the USACE and/or OEPA.

(c) A paved Channel for low water flow is required across all detention basins for each point source into the basin.

(d) Velocity dissipation shall be placed at the Outfall structures of all detention or retention basins and along the length of any Outfall Channel as necessary to provide a non-erosive flow velocity from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected. The design criteria shall be applied to each watershed within the Development Area.

(e) Detention basins and facilities may be designed to serve the dual purpose of a Sediment trap during construction.

(f) The runoff rate from the Development Area shall not be greater after development than it was before development. The Applicant shall provide calculations to the Building Commissioner, to be approved by the Engineer, proving no increase in the runoff rates from the two (2), five (5), ten (10), twenty-five (25), fifty (50), and one hundred (100) year frequency storms.

(g) Increases in the runoff volume shall be offset by further restricting runoff rates. Based on the increase in runoff volume, the Applicant shall determine the critical storm for the Development Area. The runoff rate from the critical storm and all shorter duration storms shall be restricted to the one (1) year pre-development storm runoff rate.

(h) The critical storm for a specific Development Area is determined as follows:

(1) Determine the total volume of runoff from a one (1)-year frequency, twenty-four (24) hour storm, occurring on the Development Area before and after development.

(2) From the volumes determined above, determine the percent of increase in volume of runoff due to development.

(3) Using this percentage, select the critical storm from the following table:

The Percentage Increase in Volume of Runoff is		The 24-Hour Critical Storm for Discharge Will Be (yrs.)
Equal to or Greater than	and Less than	
0	10	1
10	20	2
20	50	5
50	100	10
100	250	25
250	500	50
500	No Limit	100

(i) Methods for controlling increases in storm water runoff peaks and volumes may include, but are not limited to:

(1) Detention or retention basins or subsurface storage areas.

(2) Retarding flow velocities by increasing friction.
(3) Induced infiltration of increased storm water runoff into Soil. Soil limitations shall be determined by the current edition of the Cuyahoga Soil and Water Conservation District survey by the Soil Conservation Service.

(j) Storm sewer design for a ten (10) year storm using the Rational Method to estimate the storm runoff rate "Q". Use Cleveland Regional Rainfall Intensity Frequency-Duration Curves for this region.

(Ord. 2011-90. Passed 7-18-11.)

1177.10 MINIMUM REQUIREMENTS FOR STORM WATER QUALITY PLANS.

Storm water released from any part of a development site shall meet the most restrictive of the following criteria as well as the current requirements of the Ohio EPA:

(a) The rationale for BMP selection must address the anticipated impacts on the hydrology, water quality and riparian habitat.

(b) Water Quality Plans shall contain a description of the post-construction BMPs for the site and the rationale for choosing them. The rationale must address the anticipated impacts on the hydrology, water quality and riparian habitat.

(c) Detail drawings and long-term maintenance plans must be provided for all post-construction BMPs. Structural post-construction BMP's cannot be installed within a State surface water, such as a wetland or stream, unless it is authorized by a Clean Water Act Section 401 certification or a Section 404 permit. Maintenance plans must assure that Pollutants, which collect within structural post-construction practices, be disposed of in accordance with local, state and federal regulations.

(d) Post construction BMPs shall achieve the following goals:

(1) Water Quality Volume: For all development on previously undeveloped property, structural (designed) post-construction storm water treatment practices shall be incorporated into the permanent drainage system for the site. These practices must be sized to treat the water quality volume (WQ_v).

(2) The WQ_v shall be determined by using the following equation:

$WQ_v = C * P * A /12$
where:
WQ_v=water quality volume in acre-feet
C = runoff coefficient appropriate for storms less than 1 inch (either using Table 1 or the following formula: $C= 0.858i - 0.78i + 0.774i + 0.04$ where i=fraction of post-construction impervious area)
P = 0.75 inch precipitation depth
A = area draining into the BMP in acres

Table: 1 Runoff Coefficients Based on the Type of Land Use

Land Use	Runoff Coefficient
Industrial & Commercial	0.8
High Density Residential (>8 dwellings/acre)	0.5
Medium Density Residential (4 to 8 dwellings/acre)	0.4
Low Density Residential (<4 dwellings/acre)	0.3
Open Space and Recreational Areas	0.2

(3) An additional volume equal to twenty percent (20%) of the water quality volume shall be incorporated into the facility for sediment storage and/or

reduced infiltration capacity. Facilities shall be designed according to the methodology included in the Rainwater and Land Development manual, or in another design manual acceptable for use by the Engineer.

(4) Facilities shall be cleaned and maintained such that the full water quality volume is available and that the facility functions as designed.

(5) Construction activities may be exempted from this condition if it can be demonstrated that this requirement was met within another larger common plan of development or regional storm water management plan.

(6) Construction activities shall maintain or improve ecological function of watercourses by protecting or improving the stream and riparian habitat. Ecological functions include pollution assimilation, flood attenuation, maintenance of the sediment regime, base flow, moderation of temperature and habitat to the maximum extent practicable.

(7) For redevelopment projects, post-construction practices shall assure a net reduction of twenty percent (20%) of the impervious area of the site, or provide for treatment of twenty percent (20%) of the WQ_v. A one-for-one credit for reduction of the twenty percent (20%) net reduction of impervious area may be granted for the use of pervious pavements and/or green roofs. For projects which combine new development and redevelopment, the total WQ_v shall be calculated by a weighted average based on acreage with new development at one hundred percent (100%) and redevelopment at twenty percent (20%)WQ_v.

(8) The Engineer may determine that additional BMPs are appropriate. These regulations do not preclude the use of innovation or experimental post-construction storm water management technologies. However, the Engineer may require discharges from such structures to be monitored to assure compliance with these or other regulations.

(9) A municipally operated regional storm water BMP may be used as a post-construction BMP with the City's authorization and provided that it can detain the WQ_v from the entire drainage area and release it over a twenty-four (24) hour period.

(10) The BMPs listed in Table 2 below shall be considered standard BMPs approved for general use. BMPs shall be designed such that the drain time is long enough to provide treatment, but short enough to provide storage available for successive rainfall events and avoid the creation of nuisance conditions. The outlet structure for the post-construction BMP must not discharge more than the first half of the WQ_v in less than one-third of the drain time.

Table 2: Target Drain Times for Structural Post-Construction BMPs

BMPs Suitable for Drainage Areas ≥ 5 Acres		BMPs Suitable for Drainage Areas < 5 Acres	
Best Management Practice	**Drain Time**	**Best Management Practice**	**Drain Time**
Dry Extended Detention Basin *	48 hours	Infiltration Basins ^	24-48 hours
Wet Extended Detention Basin**	24 hours	Bioretention Cells	40 hours
Constructed Wetlands+	24 hours	Sand & Other Media Filters	40 hours
Infiltration Basins ^	24-48 hours	Enhanced Water Quality Swales	24 hours
		Pocket Wetlands #	24 hours
		Vegetated Filter Strips	24 hours

* Dry basins must include forebay and micropool each sized at 10% of the WQ_v

** Provide both a permanent pool and an EDv above the permanent pool, each sized at 0.75 WQ_v

\+ Extended detention shall be provided for the full WQ_v above the permanent water pool.

^ The WQ_v shall completely infiltrate within 48 hours so there is no standing or residual water in the BMP.

Pocket wetlands must have a wet pool equal to the WQ_v, with 25% of the WQ_v in a pool and 75% in marshes. The EDv above the permanent pool must be equal to the $_{Wqv}$

(Ord. 2011-90. Passed 7-18-11.)

1177.11 CONSTRUCTION REQUIREMENTS.

(a) In conjunction with Chapter 1105 "Enforcement and Penalty", after the Building Commissioner issues a permit to construct, the Permit Holder shall notify the Engineer, who provides site inspection, at least two (2) working days prior to any earth disturbing activities in the Development Area.

(b) All permitted earth-disturbing activities shall be subject to site inspection by the Engineer, to determine compliance with this chapter. Occupancy Permits may be withheld by the Building Commissioner until all requirements of this chapter are met.

(c) The Commission may grant a variance from the provisions of this Chapter where the Applicant can show that compliance with all or part of such provisions is not appropriate. A variance may be granted if the probability of offsite damage is slight because of exceptional topographic or other physical conditions of the Development Area. The issuance of a variance does not eliminate obligations to meet Ohio Environmental Protection Agency requirements. Requests for variances shall be submitted in writing to the Commission and shall include justification for the granting of the variance.
(Ord. 2011-90. Passed 7-18-11.)

1177.12 MAINTENANCE REQUIREMENTS.

(a) Storm drainage improvements and facilities which are located within public rights-of-way or on public property shall be dedicated to the City for ownership and maintenance unless such requirement is specifically waived by the City.

(b) Where facilities intended to be owned and/or maintained by the City cross or are located on private property, an easement for the maintenance, repair, and replacement of such facilities shall be provided to the City.

(c) Storm water management facilities located on private property and intended to be held in private ownership shall provide an agreement and/or plan for the perpetual maintenance of such facilities including provisions for funding maintenance provisions. The post-construction operation and maintenance plan shall be a stand-alone document which designates the entity responsible for inspection and maintenance, the routine and non-routine maintenance tasks to be performed, a schedule for maintenance and inspections, and all necessary legally binding easements and agreements.

(d) The City shall be a beneficial party to all storm water management facilities and provisions and their perpetual maintenance. The City, through its Engineer, shall have the right, but no obligation, to inspect such facilities and provisions and to require implementation of maintenance and/or repair measures as determined to be necessary and appropriate for the continued proper functioning of such storm water management facilities. Failure to comply with directives to maintain or repair facilities shall constitute a violation of this Chapter.
(Ord. 2011-90. Passed 7-18-11.)

1177.13 PERMITS AND DEPOSITS.

Permits and deposits for plan review services and inspectional services shall be in accordance with the provisions and requirements of the Building Code as provided for in Chapter 1329.
(Ord. 2011-90. Passed 7-18-11.)

1177.99 PENALTY.

Violation of or noncompliance with any of the provisions of this Chapter shall be deemed to be a violation of the Code under Section 1105.99 therein.
(Ord. 2011-90. Passed 7-18-11.)

CITY OF BEACHWOOD
INTER-OFFICE COMMUNICATION

TO: Martin Horwitz, Mayor
FROM: Chris Arrietta, Public Works Director
DATE: 9/17/2019
SUBJECT: An Ordinance accepting a Quotation from Murphy Tractor & Equipment Co., Inc. to purchase one (1) Eager-Beaver Trailer 25XPL for the City of Beachwood, Ohio Public Works Department; and declaring this to be an urgent measure

Mayor,

With your permission, I would like to place the purchase of a new Eager Beaver- 25 ton trailer (w/lift axle) on the next council agenda. The new trailer will replace #95 which is a 2000 - 10 ton Dynaweld. This trailer is responsible for hauling all of our heavy excavating equipment with attachments. This purchase falls under the 2019 Capital Equipment Budget.

INTRODUCED BY: ORDINANCE NO. 2019-112

AN ORDINANCE ACCEPTING A QUOTATION FROM MURPHY TRACTOR & EQUIPMENT CO., INC. TO PURCHASE ONE EAGER-BEAVER TRAILER 25XPL FOR THE CITY OF BEACHWOOD, OHIO PUBLIC WORKS DEPARTMENT; AND DECLARING THIS TO BE AN URGENT MEASURE

WHEREAS, three (3) quotations were received by the City of Beachwood for the purchase of one (1) Eager-Beaver Trailer 25XPL; and

WHEREAS, the quotation from Murphy Tractor & Equipment Co., Inc. was the lowest and best quotation received in an amount not to exceed Thirty-Three Thousand Two Hundred Ninety-Seven Dollars and Ninety-Eight Cents ($33,297.98) for the purchase of one (1) Eager-Beaver Trailer 25XPL for use by the City of Beachwood, Ohio Public Works Department.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Beachwood, County of Cuyahoga, and State of Ohio, that:

Section 1: Based upon the recommendation of the Public Works Director, the quotation from Murphy Tractor & Equipment Co., Inc., a copy of which is attached hereto and incorporated herein as Exhibit "A", is found to be the lowest and best quotation received in an amount not to exceed Thirty Three Thousand Two Hundred Ninety Seven Dollars and Ninety Eight Cents ($33,297.98). The Mayor is hereby authorized and directed to accept the above quotation for the purchase of one (1) Eager-Beaver Trailer 25XPL for use by the City of Beachwood, Ohio Public Works Department.

Section 2: It is found and determined that all formal actions and deliberations of Council and its committees relating to the passage of this legislation that resulted in formal action were in meetings open to the public where required by Chapter 105 of the Codified Ordinances of the City.

Section 3: This Ordinance is hereby declared an urgent measure necessary for the preservation of the public peace, health or safety or the efficient operation of the City, and for the further reason that this purchase may be made as soon as possible; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

WHEREFORE, this Ordinance shall take effect and be in force from and after the earliest date permitted by law.

Attest: I hereby certify this legislation was duly adopted on the 7th day of October, 2019, and presented to the Mayor for approval or rejection in accordance with Article III, Section 8 of the Charter on the 8th day of October, 2019.

_____
Clerk

Approval: I have approved this legislation this 8th day of October, 2019, and filed it with the Clerk.

_____
Mayor

JOHN DEERE

MURPHY TRACTOR & EQUIPMENT CO.

Quote Summary

Prepared For:
CITY OF BEACHWOOD
23355 Mercantile Rd
Beachwood, OH 44122
Business: 216-292-1924

Prepared By:
JJ SUTPHIN
Murphy Tractor & Equipment
1550 Industrial Parkway S
Brunswick, OH 44212
Phone: 330-220-4999
Mobile: 216-310-5962
jsutphin@murphytractor.com

Quote Id: 19404666
Created On: 17 April 2019
Last Modified On: 10 September 2019
Expiration Date: 31 October 2019

Equipment Summary	Selling Price		Qty		Extended
EAGER-BEAVER TRAILERS 25XPL	$ 33,297.98	X	1	=	$ 33,297.98
Equipment Total					**$ 33,297.98**

Quote Summary	
Equipment Total	$ 33,297.98
SubTotal	$ 33,297.98
Total	$ 33,297.98
Balance Due	**$ 33,297.98**

Salesperson : X _____ **Accepted By : X** _____

STS DETAILED EQUIPMENT QUOTE

Southeastern Equipment Company

AUGUST 19, 2019

SALESPERSON: David Heath
CUSTOMER CONTACT: DANIEL CICCHELLA

QUOTE PREPARED FOR:

CITY OF BEACHWOOD
2700 RICHMOND ROAD
BEACHWOOD, OH 44122
P: 216-464-1070

FACILITY QUOTED FROM:

1500 Industrial Parkway, Brunswick, OH 44212
Branch: (330) 225-6511
Mobile: +1 2166302831
Email: dheath@southeasternequip.com

QUOTE INFORMATION:

Account Number: 213922

Index #	Contract	UNSPCS	Oaks ID
STS515	800419	25181700	800419-2

Eq # /Item #	Product Description	Hours	Product Notes	List Price	Discount %	STS Total Price
Ordered Eager Beaver 25XPL	EAGER BEAVER 25XPL w/ LIFT AXLE HYDRAULIC RAMPS		25XPL w/ LIFT AXEL HYDRAULIC RAMPS EPOXY PRIMER w/ BLUE PAINT Decals on Trailer (STD) Oak Wood 1 3/4" (STD) 3' Extended Flat Deck (25' Total) 8'6" Wide (STD) 6 Tie Downs/side (4-Deck) (2-BTail) Wood Wheel Paths Power Pack Compartment in Center Lockable Tool Box in Drawbar ABS System with Spring Brakes (STD) Hutch 9700 w/Lift Front Axle Lift Front Axle Hub-Piloted Budd (STD) Steel Wheels inside (STD) Steel Wheels outside (STD) STD 215/75R-17.5H (18160# / Axle) 2 Speed Jack - Standard Placement 8' Electric Hydraulic Ramps 36"wide Wood Filled, Not Tapered Oak Wood Standard Blue Paint w/ Epoxy Primer	$28,413.00	0%	$28,413.00
ELEC/HYD RAMPS	RAMPS		Electric/Hydraulic Ramps 8'Lng x 36"w	$4,621.00	0%	$4,621.00
Deck	EXTENDED DECK		3' Extended Flat Deck (25' Total)	$1,245.00	0%	$1,245.00
					Total STS Price	$34,279.00

NOTES:

Price Book Date 1-April-2019

EQUIPMENT WARRANTY AND DELIVERY INFORMATION:

Warranty Type: Sold with standard manufacturer warranty.
Warranty Detail:

Delivery Method:
Delivery Date:
Delivery Info:

All information and prices are subject to change prior to signed sales order. Description, specifications, hour meters and other information may differ from actuals. Any finance information presented on this quote is not a promise to finance or a guarantee of rates.

Best Trailers! Best Selection! Best Prices!
800-455-1001
Sales, Parts & Service
N. Jackson OH 44451
12800 Leonard Parkway

Sales Quote

CITY OF BEACHWOOD

23355 MERCANTILE RD
BEACHWOOD OH 44122
C 440-279-8410 Email DAN.CICCHELLA@BEACHWOODOHIO.COM

Date
Deal No.
Salesperson Mark Watkins
Lienholder None

Unit Information

Stock No.	New/U	Year	Make	Model	Length.	Serial No.	Price(Incl factory options)
30524	**New**	**2019**	**WINSTON**	**AP32030AL**	**3.00**	**1W9AP3034KH160210**	**$38,142.00**

Options:
HOOK UP AND SALES, EQUIPMENT, CARGO, UTILITY $0.00D

RETAIL	$38,142.00
Discount	*$5,642.00*
Customer Discounted Price	**$32,500.00**
Factory Options	$0.00
Added Accessories	$0.00
Freight	$0.00
Dealer Prep	$0.00
FET Tax	$3,900.00
Cash Price	$36,400.00
Trade Allowance	$0.00
Payoff	$0.00
Net Trade	$0.00
Net Sale (Cash Price - Net Trade)	$36,400.00
Sales Tax	$15.59
Document or Administration Fees	$215.00
Title Fees	$15.00
Sub Total (Net Sale + Other Charges)	$36,645.59
Cash Down Payment	$0.00
Amount to Pay/Finance	$36,645.59

Trade Information

Tow Vehicle
Customers OK\Perrmission to post on LTT facebook page
We owe you the items above & outstanding service

Notes:
LEONARD TRUCK AND TRAILER IS THE EXCLUSIVE WINSTON DEALER FOR THE STATE OF OHIO

TRAILERS MUST BE PAID IN FULL AT TIME OF PICK UP

Monthly Payment of $0.00 For 0 Months at 0.00% Interest

NOTICE TO BUYER: (1) Do not sign this agreement before you read it or if it contains any blank spaces to be filled in. (2) You are entitled to a completely filled in copy of this agreement. (3) If you default in the performance of your obligations under this agreement, the vehicle may be repossessed and you may be subject to suit and liability for the unpaid indebtedness evidenced by this agreement.

TRADE-IN NOTICE: Customer respresents that all trade in units described above are free of all liens and encumbrances except as noted.

*With Approved Credit. Interest rates and monthly payment are approximate and may vary from those determined by the lendor.

I hereby agree to purchase the following unit(s) from Leonard Truck & Trailer under the terms and conditions specified. It is agreed, however, that neither Leonard Truck & Trailer nor the manufacturer will be liable for failure to make delivery.

Customer Signature _____ Dealer Signature _____

Thank You for Your Business!

PRELIMINARY LEGISLATION

RC 5521.01

ORDINANCE NO.	
PID NO.	108766
CTY-RTE-SEC	CUY–87–12.05

The following is an ordinance enacted by the City of Beachwood, Cuyahoga County, Ohio, hereinafter referred to as the Local Public Agency (LPA), in the matter of the stated described project.

SECTION I - Project Description

WHEREAS, the STATE has identified the need for the described project:

> **The widening of Chagrin Boulevard (SR–87) north side pavement between Orange Place and Brainard Road in the Villages of Orange and Woodmere and involving the City of Beachwood.**

NOW THEREFORE, be it ordained by the Council of the City of Beachwood, Ohio.

SECTION II - Consent Statement

Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above described project.

SECTION III - Cooperation Statement

The LPA shall cooperate with the Director of Transportation in the above described project as follows:

> **The entire cost and expense of this improvement will be provided by the Department. No financial participation will be required by the LPA.**
>
> **The LPA agrees to pay One Hundred Percent (100%) of the cost of those features requested by the LPA which are determined by the State and Federal Highway Administration to be unnecessary for the Project.**

SECTION IV - Utilities and Right-of-Way Statement

The LPA agrees to acquire and/or make available to ODOT, in accordance with current State and Federal regulations, all necessary right-of-way required for the described Project. The LPA also understands that right-of-way costs include eligible utility costs. The LPA agrees to be responsible for all utility accommodation, relocation, and reimbursement and agrees that all such accommodations, relocations, and reimbursements shall comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

SECTION V - Maintenance

The LPA shall maintain the right-of-way and keep it free of obstructions, and hold said right-of-way inviolate for public highway purposes.

SECTION VI - Authority to Sign

The Mayor of said City is hereby empowered on behalf of the City to enter into agreements with the Director of Transportation necessary to complete the above described project.

Passed: _____ , 20
DATE

Attested: _____ _____
CLERK MAYOR

Attested: _____ _____
Title: PRESIDENT OF COUNCIL

This ordinance is hereby declared to be an emergency measure to expedite the highway project(s) and to promote highway safety. Following appropriate legislative action, it shall take effect and be in force immediately upon its passage and approval, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

CERTIFICATE OF COPY
STATE OF OHIO

The City of Beachwood, Cuyahoga County, Ohio

I, _____, as Clerk of the City of Beachwood, Ohio, do hereby certify that the foregoing is a true and correct copy of an ordinance adopted by the legislative Authority of the said City of Beachwood on the _____ day of _____, 20____, that the publication of such ordinance has been made and certified of record according to law; that no proceedings looking to a referendum upon such ordinance have been taken; and that such ordinance and certificate of publication thereof are of record in _____, Page _____.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable, this _____ day of _____, 20____.

_____
CLERK
CITY OF BEACHWOOD, OHIO

(SEAL)
(If Applicable)

The aforegoing is accepted as a basis for proceeding with the project herein described.

For the City of Beachwood, Ohio

Attest: _____ _____, Date _____
MAYOR

****

For the State of Ohio

Attest: _____ _____, Date _____
DIRECTOR, OHIO DEPARTMENT OF TRANSPORTATION

INTEROFFICE MEMO

TO: Mayor Horwitz
FROM: Steven M. Holtzman, Chief
DATE: September 4, 2019
SUBJECT: Equipment purchase for New Fire Engine

Mayor Horwitz,

With the approval of the new fire engine, our committee compiled a list of rescue equipment that would be needed to outfit the engine. After review and refinement of the list we have compiled a complete list and prices for the equipment. We are using three vendors to obtain the equipment, so we can have interoperability with current tool systems. Below is a brief description of the items and vendor (Two of the vendors are the only supplier in our area for this equipment***).

Holmatro airbags and rescue tools-Vendor is Sutphen***	$47,290.00
Kodiak Rescue Jacks-Vendor is Howell Rescue systems***	$ 5,730.00
Operational Equipment-Finley Fire Equipment	$47,220.70

A complete list and quantities can be provided to you upon request.
Let me know if you have any questions on this matter.

Respectfully Submitted

INTRODUCED BY: ORDINANCE NO. 2019-114

AN ORDINANCE ACCEPTING A QUOTATION FROM H. SUTPHEN FIRE EQUIPMENT LLC FOR THE PURCHASE OF CERTAIN HOLMATRO RESCUE EQUIPMENT FOR THE CITY OF BEACHWOOD, OHIO FIRE & RESCUE DEPARTMENT; AND DECLARING THIS TO BE AN URGENT MEASURE

WHEREAS, Ordinance No. 2019-103 authorized the purchase of a new Fire Engine for the City of Beachwood, Ohio Fire & Rescue Department; and

WHEREAS, certain equipment is required to be purchased to prepare the Fire Engine for service; and

WHEREAS, only one (1) quotation was received by the City for the purchase of certain Holmatro Rescue Equipment that is interoperable with other equipment used by the City of Beachwood, Ohio Fire & Rescue Department; and

WHEREAS, the quotation from H. Sutphen Fire Equipment LLC in an amount not to exceed Thirty-Seven Thousand Six Hundred Fifty-Two Dollars and No/Cents ($37,652.00) is recommended by the Fire Chief.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Beachwood, County of Cuyahoga, and State of Ohio, that:

Section 1: Based upon the recommendation of the Fire Chief, the quotation from H. Sutphen Fire Equipment LLC for the equipment needed, which is interoperable with other existing Department equipment, in an amount not to exceed Thirty-Seven Thousand Six Hundred Fifty-Two Dollars and No/Cents ($37,652.00), and the Mayor is hereby authorized and directed to accept the above quotation from H. Sutphen Fire Equipment LLC for the purchase of certain Holmatro Rescue Equipment for the City of Beachwood, Ohio Fire & Rescue Department.

Section 2: It is found and determined that all formal actions and deliberations of Council and its committees relating to the passage of this legislation that resulted in formal action were in meetings open to the public where required by Chapter 105 of the Codified Ordinances of the City.

Section 3: This Ordinance is declared to be an urgent measure which is immediately necessary for the public peace, health or safety or the efficient operation of the City, and for the further reason that it is necessary to purchase the required interoperable equipment at the earliest time so that the City can continue to provide safe and reliable safety/rescue services to its residents; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

WHEREFORE, this Ordinance shall take effect and be in force from and after the earliest date permitted by law.

Attest: I hereby certify this legislation was duly adopted on the 7th day of October, 2019, and presented to the Mayor for approval or rejection in accordance with Article III, Section 8 of the Charter on the 8th day of October, 2019.

_____
Clerk

Approval: I have approved this legislation this 8th day of October, 2019, and filed it with the Clerk.

_____
Mayor

SUTPHEN

FAMILY OWNED
SINCE 1890

August 21, 2019

Beachwood Fire Department
2655 Richmond Road
Beachwood, OH 44122

Quote for Holmatro Rescue Equipment

Qty	Description	Part #	Price
1	GCU 5050i EVO 3 CUTTER	158.052.201	$ 10,390.00
1	GSP 5240 EVO 3 SPREADER	158.052.205	$ 10,490.00
1	GTR 5350 LP EVO 3 RAM	159.000.000	$ 11,900.00
6	BATTERY 28V 6.0AH	151.000.307	$ 3,636.00
3	BCH2 CHARGER120V 28V DC	150.006.209	$ 1,236.00
1	SHIPPING		$ N/C
		Total	**$ 37,652.00**

Prices good for 30 days

Thank you,
Shawn Gruber
(440)-344-1870

Sutphen Corporation
PO Box 158 • Amlin, OH 43002-0158
6450 Eiterman Road • Dublin, OH 43016-8711
Tel 614 889-1005 • **Toll Free** 800 848-5860 • **Fax** 614 889-0874

INTEROFFICE MEMO

TO: Mayor Horwitz
FROM: Steven M. Holtzman, Chief
DATE: September 4, 2019
SUBJECT: Equipment purchase for New Fire Engine

Mayor Horwitz,

With the approval of the new fire engine, our committee compiled a list of rescue equipment that would be needed to outfit the engine. After review and refinement of the list we have compiled a complete list and prices for the equipment. We are using three vendors to obtain the equipment, so we can have interoperability with current tool systems. Below is a brief description of the items and vendor (Two of the vendors are the only supplier in our area for this equipment***).

Holmatro airbags and rescue tools-Vendor is Sutphen***	$47,290.00
Kodiak Rescue Jacks-Vendor is Howell Rescue systems***	$ 5,730.00
Operational Equipment-Finley Fire Equipment	$47,220.70

A complete list and quantities can be provided to you upon request.
Let me know if you have any questions on this matter.

Respectfully Submitted

INTRODUCED BY: ORDINANCE NO. 2019-115

AN ORDINANCE ACCEPTING A QUOTATION FROM HOWELL RESCUE SYSTEMS, INC. FOR THE PURCHASE OF CERTAIN KODIAK RESCUE EQUIPMENT FOR THE CITY OF BEACHWOOD, OHIO FIRE & RESCUE DEPARTMENT; AND DECLARING THIS TO BE AN URGENT MEASURE

WHEREAS, Ordinance No. 2019-103 authorized the purchase of a new Fire Engine for the City of Beachwood, Ohio Fire & Rescue Department; and

WHEREAS, certain equipment is required to be purchased to prepare the Fire Engine for service; and

WHEREAS, one (1) quotation was received by the City for the purchase of certain Kodiak Rescue Equipment from Howell Rescue Systems, Inc. in an amount not to exceed Five Thousand Seven Hundred Thirty Dollars and No/Cents ($5,730.00) for the City of Beachwood, Ohio Fire & Rescue Department.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Beachwood, County of Cuyahoga, and State of Ohio, that:

Section 1: Based upon the recommendation of the Fire Chief, the quotation from Howell Rescue Systems, Inc. is found to be the best quotation received in an amount not to exceed Five Thousand Seven Hundred Thirty Dollars and No/Cents ($5,730.00), and the Mayor is hereby authorized and directed to accept the above quotation from Howell Rescue Systems, Inc. for the purchase of certain Kodiak Rescue Equipment for the City of Beachwood, Ohio Fire & Rescue Department.

Section 2: It is found and determined that all formal actions and deliberations of Council and its committees relating to the passage of this legislation that resulted in formal action were in meetings open to the public where required by Chapter 105 of the Codified Ordinances of the City.

Section 3: This Ordinance is declared to be an urgent measure which is immediately necessary for the public peace, health or safety or the efficient operation of the City, and for the further reason that it is necessary to purchase the required equipment at the earliest time so that the City can continue to provide safe and reliable safety/rescue services to its residents; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

WHEREFORE, this Ordinance shall take effect and be in force from and after the earliest date permitted by law.

Attest: I hereby certify this legislation was duly adopted on the 7th day of October, 2019, and presented to the Mayor for approval or rejection in accordance with Article III, Section 8 of the Charter on the 8th day of October, 2019.

_____
Clerk

Approval: I have approved this legislation this 8th day of October, 2019, and filed it with the Clerk.

_____
Mayor

GENESIS
RESCUE SYSTEMS

Dräger

Corporate Offices / Warehouses 2673 Culver Avenue Kettering, Ohio 45429 Ph. 937-290-0522

August 22, 2019
Beachwood Fire Department
Attn: Mr. Brooks
2655 Richmond Road
Beachwood, Ohio 44122
Email Jason.brooks@beachwoodohio.com

Dear Mr. Brooks,

Howell Rescue Systems hereby submits the following quotation on the Genesis Rescue System. This is provided based on our recent contact. Should you require any additional items or information, do not hesitate to contact our office or myself.

1- Kodiak **Deluxe** Kit (2) Struts 27" - 42", (2) 15" Extensions, (2) 30" Extensions (4) Ratchet straps, (2) End attachments, (1) Carrying case	$2,360.00
2- Kodiak Lifting Device	$1,475.00 ea. Total $2,950.00
2- Plastic Step Chock	$210.00 ea. Total $420.00

All models of the Genesis E Force Battery Rescue Tools include the following:

Fully encapsulated aluminum fluid reservoirs for extreme durability vs. rubber bladders.
Power buttons are of all steel construction for longevity and durability vs. plastic manufactured buttons.
A full 3-year manufacturer's warranty on the Milwaukee 28V 5AH battery with an ambient operating temperature of 0*F to 125*F
A high-quality brushless motor to reduce heat buildup and increase efficiency vs. a less efficient brushed motor.
Low RPM / auto shutoff feature to increase battery efficiency and extend brushless motor life.

HRS can also provide both horizontal and vertical mounting brackets for all of the tools listed above.

Howell Rescue Systems also offers a used rescue tool trade in program for your old rescue system. We carry a fluctuating inventory of used rescue tools as well as new 5,000 psi hose, couplers and fluid. In the event your dept. experiences an out of service issue with your existing system, tools, hose, couplers or fluid HRS would provide a loaner unit to quickly get you back in service. This would save any unnecessary expenditure toward a system that is being replaced. Loaners would be based on our inventory availability, I have included a partial inventory photo below. As when HRS has provided loaner tools in the past, there would be no charge for this loaner tool. The loaner tool could stay with your dept. until your new Genesis equipment would arrive.

Howell Rescue Systems is geared directly toward sales, service and training. After your new system is delivered the relationship between your department and our company begins. In regards to training on your new equipment, I would deliver the new tools and go through a simple operations training of the systems. A hands-on train the trainer type environment is typically very successful for this portion. This allows me the time

GENESIS
RESCUE SYSTEMS

Dräger

Corporate Offices / Warehouses 2673 Culver Avenue Kettering, Ohio 45429 Ph. 937-290-0522

August 22, 2019
Beachwood Fire Department
Attn: Mr. Brooks
2655 Richmond Road
Beachwood, Ohio 44122
Email Jason.brooks@beachwoodohio.com

Dear Mr. Brooks,

Howell Rescue Systems hereby submits the following quotation on the Genesis Rescue System. This is provided based on our recent contact. Should you require any additional items or information, do not hesitate to contact our office or myself.

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2- Kodiak Lifting Device	$1,475.00 ea. Total $2,950.00
2- Plastic Step Chock	$210.00 ea. Total $420.00

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A high-quality brushless motor to reduce heat buildup and increase efficiency vs. a less efficient brushed motor.
Low RPM / auto shutoff feature to increase battery efficiency and extend brushless motor life.

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Howell Rescue Systems is geared directly toward sales, service and training. After your new system is delivered the relationship between your department and our company begins. In regards to training on your new equipment, I would deliver the new tools and go through a simple operations training of the systems. A hands-on train the trainer type environment is typically very successful for this portion. This allows me the time

QUOTE

NMA 0000906

SHIP TO:
BEACHWOOD, CITY OF
23355 MERCANTILE ROAD
BEACHWOOD, OH 44122

BILL TO:
BEACHWOOD, CITY OF
ACCOUNTS PAYABLE
PO BOX 22659
BEACHWOOD, OH 44122

NICHOLAS MARTIN
7955 DEERBROOK DR.
RUSSELL, OH 44072
P: (440)477-1901
nmartin@finleyfire.com

Customer ID	Ship Via	Sales Rep	Terms	Date
44122B	UPS GROUND	NMA	NET 10	08/04/2019

Quantity	UOM	Item #	Description	Unit Price	Extended Price
1	EA	FIRHOO RH-8	NY ROOF HOOK 8'	$116.00	$116.00
1	EA	FIRHOO RH-10	NY ROOF HOOK 10'	$136.00	$136.00
1	EA	FIRHOO BC-36	36" BOLT CUTTERS	$79.00	$79.00
1	EA	FIRHOO HR-2	HYDRA RAM II *Includes carrying case & mallet.*	$2,160.00	$2,160.00
4	EA	FIRHOO ISS-82	IRON'S STRAP	$42.00	$168.00
1	EA	FIRHOO CM-2	2LB RUBBER CONNECTION MALLET	$16.00	$16.00
2	EA	FIRHOO FA-8	8# FLATHEAD AXE WITH YELLOW FG HANDLE	$102.00	$204.00
1	EA	FIRHOO FAP-8	8# PICKHEAD AXE FG HANDLE	$108.00	$108.00
2	EA	FIRHOO SHF-10	10 LB SLEDGE HAMMER	$39.00	$78.00
1	EACH	WSDARL BL810	FLIR K65 TIC	$6,995.00	$6,995.00
1	EA	WSDARL BL505	FLIR K50 SERIES TRUCK CHARGER	$725.00	$725.00
1	EA	PARINC 22-796852	PARATECH HIGHWAY VSK STABILIZER STRUT KIT *Training Included*	$6,793.00	$6,793.00
2	EA	PARINC 22-79HA10K	PARATECH HYDRAFUSION STRUT 10 KIT *Training Included*	$3,124.00	$6,248.00
1	EA	PARINC 22-889052G2	PARATECH MODEL 52 5 BAG LIFT SET G2 *Training Included*	$4,971.00	$4,971.00
1	EA	PARINC 22-890300G2-150	PARATECH 150 PSI MASTER CONTROL KIT *Training Included*	$3,350.00	$3,350.00
1	EA	LEANOR D11.03.000	AC HOT STICK	$299.00	$299.00
1	EA	HANENT 911-00000-08	SENSIT GOLD G2 4 GAS DETECTOR CO, O2, H2S, LEL	$2,048.00	$2,048.00

INTEROFFICE MEMO

TO: Mayor Horwitz
FROM: Steven M. Holtzman, Chief
DATE: September 4, 2019
SUBJECT: Equipment purchase for New Fire Engine

Mayor Horwitz,

With the approval of the new fire engine, our committee compiled a list of rescue equipment that would be needed to outfit the engine. After review and refinement of the list we have compiled a complete list and prices for the equipment. We are using three vendors to obtain the equipment, so we can have interoperability with current tool systems. Below is a brief description of the items and vendor (Two of the vendors are the only supplier in our area for this equipment***).

Holmatro airbags and rescue tools-Vendor is Sutphen***	$47,290.00
Kodiak Rescue Jacks-Vendor is Howell Rescue systems***	$ 5,730.00
Operational Equipment-Finley Fire Equipment	$47,220.70

A complete list and quantities can be provided to you upon request.
Let me know if you have any questions on this matter.

Respectfully Submitted

City of Beachwood
Martin S. Horwitz, Mayor

Department of Fire-Rescue
Steven Holtzman, Chief
Phone (216) 292-1965
Fax (216) 292-1900

Attention: Diane Calta

September 24, 2019

We obtained two price quotes for loose equipment for the new fire engine, one from Finley Fire Equipment and the second from Warren Fire Equipment. Some of the equipment was not offered by both vendors and exceptions were offered by the vendors that did not fit with our current departmental operations. We compared equipment pricing for identical items and comparable items on each list. Items were removed from the price comparison if they could not be offered by a vendor or an exception was made by a vendor. Following the comparison the price difference was minimal. I would recommend using Finley Fire equipment's price quote due to the fact that they were able to quote the most complete list of equipment that will be needed to outfit the new fire engine.

Thank you for your time on this matter.

Respectfully,

Steven M. Holtzman
Fire Chief

INTRODUCED BY: ORDINANCE NO. 2019-116

AN ORDINANCE ACCEPTING A QUOTATION FROM FINLEY FIRE EQUIPMENT CO., FOR THE PURCHASE OF CERTAIN OPERATIONAL EQUIPMENT FOR THE CITY OF BEACHWOOD, OHIO FIRE & RESCUE DEPARTMENT, WAIVING COMPETITIVE BIDDING; AND DECLARING THIS TO BE AN URGENT MEASURE

WHEREAS, Ordinance No. 2019-103 authorized the purchase of a new Fire Engine for the City of Beachwood, Ohio Fire & Rescue Department; and

WHEREAS, certain equipment is required to be purchased to prepare the Fire Engine for Service; and

WHEREAS, two (2) quotation were received by the City for the purchase of certain Operational Equipment for the City of Beachwood, Ohio Fire & Rescue Department in an amount not to exceed Fifty-Four Thousand Six Hundred Thirty-Two Dollars and Seventy Cents ($54,632.70).

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Beachwood, County of Cuyahoga, and State of Ohio, that:

Section 1: Based upon the recommendation of the Fire Chief, the quotation from Finley Fire Equipment Co. is found to be the best quotation received in an amount not to exceed Fifty-Four Thousand Six Hundred Thirty-Two Dollars and Seventy Cents ($54,632.70), and the Mayor is hereby authorized and directed to accept the above quotation from Finley Fire Equipment Co. and waive competitive bidding since the necessary equipment is of a specialized nature and only available from limited distributors in the State of Ohio, for the purchase of certain Operational Equipment for the City of Beachwood, Ohio Fire & Rescue Department.

Section 2: It is found and determined that all formal actions and deliberations of Council and its committees relating to the passage of this legislation that resulted in formal action were in meetings open to the public where required by Chapter 105 of the Codified Ordinances of the City.

Section 3: This Ordinance is declared to be an urgent measure which is immediately necessary for the public peace, health or safety or the efficient operation of the City, and for the further reason that it is necessary to purchase the required equipment at the earliest time so that the City can continue to provide safe and reliable safety/rescue services to its residents; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

WHEREFORE, this Ordinance shall take effect and be in force from and after the earliest date permitted by law.

Attest: I hereby certify this legislation was duly adopted on the 7th day of October, 2019, and presented to the Mayor for approval or rejection in accordance with Article III, Section 8 of the Charter on the 8th day of October, 2019.

_____
Clerk

Approval: I have approved this legislation this 8th day of October, 2019, and filed it with the Clerk.

_____
Mayor

QUOTE

NMA 0000906

SHIP TO:
BEACHWOOD, CITY OF
23355 MERCANTILE ROAD
BEACHWOOD, OH 44122

BILL TO:
BEACHWOOD, CITY OF
ACCOUNTS PAYABLE
PO BOX 22659
BEACHWOOD, OH 44122

NICHOLAS MARTIN
7955 DEERBROOK DR.
RUSSELL, OH 44072
P: (440)477-1901
nmartin@finleyfire.com

Customer ID	Ship Via	Sales Rep	Terms	Date
44122B	UPS GROUND	NMA	NET 10	08/04/2019

Quantity	UOM	Item #	Description	Unit Price	Extended Price
1	EA	AKRBRA 3250	EDUCTOR 2.5" SWIVEL INLET X 2.5" OUTLET *cleveland thread*	$932.00	$932.00
2	EA	AKRBRA 1445	BLITZ TIPS WITH SHUTOFFS	$403.00	$806.00
2	EA	AKRBRA 1582	HYDRANT WYE/HANDLE *2.5" CST FEMALE to (2) 2.5" CST MALE out*	$1,201.00	$2,402.00
1	EA	AKRBRA 1581	LEADER LINE WYE *2.5" CST FEMALE to (2) 1.5" NH MALE out*	$598.00	$598.00
1	EA	AKRBRA 2580	1.5" FEMALE INLET X (2) 1.5" MALE OUTLET WYE	$361.00	$361.00
1	EA	ELKBRA 80035001	STANDPIPE BAG KIT *CLEVELAND THREAD*	$988.00	$988.00
1	EA	AKRBRA 535	2.5" CELLAR NOZZLE *Cleveland standard thread*	$509.00	$509.00
1	EA	AKRBRA 2730	AKRON 2.5 " PLAYPIPE AND HIGH RANGE TURBO JET NOZZLE *Cleveland standard thread, 75 psi Turbo jet nozzle*	$1,149.00	$1,149.00
1	EA	AKRBRA 2393	AKRON 2.5" PLAYPIPE W/ STACKED TIPS *Cleveland standard thread*	$905.00	$905.00
5	EA	AKRBRA 1723	AKRON MIDRANGE TURBO-JET, 1.5" NST W/PISTOL GRIPS *75 psi*	$759.00	$3,795.00
1	EA	AKRBRA 1733	AKRON 2.5" HIGH RANCE TURBOJET NOZZLE W/ PISTOL GRIP *Cleveland thread, 75 psi*	$822.00	$822.00
1	EACH	CUTEDG CE2172RSD6A	CUTTERS EDGE 16" FIRE RESCUE SAW 2172 WITH GUARD DEPTH GUAGE AND BULLET CHAIN	$2,465.00	$2,465.00
3	EA	FIRHOO PB-30	30" PROBAR	$216.00	$648.00
1	EA	FIRHOO RH-6	NY ROOF HOOK 6'	$108.00	$108.00

QUOTE

NMA 0000906

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Customer ID	Ship Via	Sales Rep	Terms	Date
44122B	UPS GROUND	NMA	NET 10	08/04/2019

Quantity	UOM	Item #	Description	Unit Price	Extended Price
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1	EA	FIRHOO RH-10	NY ROOF HOOK 10'	$136.00	$136.00
1	EA	FIRHOO BC-36	36" BOLT CUTTERS	$79.00	$79.00
1	EA	FIRHOO HR-2	HYDRA RAM II *Includes carrying case & mallet.*	$2,160.00	$2,160.00
4	EA	FIRHOO ISS-82	IRON'S STRAP	$42.00	$168.00
1	EA	FIRHOO CM-2	2LB RUBBER CONNECTION MALLET	$16.00	$16.00
2	EA	FIRHOO FA-8	8# FLATHEAD AXE WITH YELLOW FG HANDLE	$102.00	$204.00
1	EA	FIRHOO FAP-8	8# PICKHEAD AXE FG HANDLE	$108.00	$108.00
2	EA	FIRHOO SHF-10	10 LB SLEDGE HAMMER	$39.00	$78.00
1	EACH	WSDARL BL810	FLIR K65 TIC	$6,995.00	$6,995.00
1	EA	WSDARL BL505	FLIR K50 SERIES TRUCK CHARGER	$725.00	$725.00
1	EA	LEANOR D11.03.000	AC HOT STICK	$299.00	$299.00
1	EA	HANENT 911-00000-08	SENSIT GOLD G2 4 GAS DETECTOR CO, O2, H2S, LEL	$2,048.00	$2,048.00
6	EACH	QUISTO Q-COM	FIRE SPRINKLER SHUT OFF TOOL *TALON FIRE SPRINKLER TOOL, QUICK STOP*	$89.95	$539.70
1	EA	TASFOR XXC-32	BLITZFIRE COMBINATION PACKAGE; MONITOR & BRACKET & MAX-FORCE *cleveland thread*	$2,760.00	$2,760.00
1	EA	RAMFAN EL5500-2PK	EX50Li FAN W/ 40V 6.0 AH BATTERY PACK (X2) 115V	$3,478.00	$3,478.00
1	EA	STRINC 44900	STREAMLIGHT WAYPOINT LED DC, YELLOW *Waypoint with 12V DC power cord and polymer mount/holder - Box - Yellow*	$58.00	$58.00

QUOTE

NMA 0000906

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RUSSELL, OH 44072
P: (440)477-1901
nmartin@finleyfire.com

Customer ID	Ship Via	Sales Rep	Terms	Date
44122B	UPS GROUND	NMA	NET 10	08/04/2019

Quantity	UOM	Item #	Description	Unit Price	Extended Price
4	EA	STRINC 46000	PORTABLE SCENELIGHT II	$498.00	$1,992.00
5	EA	STRINC 90500	SURVIVOR LIGHT AND BATTERY ONLY, ORANGE	$87.00	$435.00
1	EA	STRINC 90401	STREAMLIGHT CHARGER BANK *12v*	$270.00	$270.00
4	EA	STRINC 44451	FIRE VULCAN LED, TRUCK MOUNT CHARGER *Fire Vulcan LED Vehicle Mount System - 12V DC - quick release shoulder strap & direct wire rack - Orange*	$169.00	$676.00
1	EACH	TELLIT TEU-22.LEDTL6DK	TELELIGHT LED LIGHT KIT FOR EU2000 GENERATOR	$1,626.00	$1,626.00
1	EA	REDHEA STYLE SS	5" STORZ X 4" STORZ W/CONTINOUS SWIVEL *4" Storz to 5" Storz*	$238.00	$238.00
2	EA	REDHEA STYLE 36	ADAPTER *2.5" Double Male CST*	$27.00	$54.00
2	EA	REDHEA STYLE 35	ADAPTER *2.5" Double Female CST*	$36.00	$72.00
2	EA	REDHEA 37 2.5" F X 1.5" M	ADAPTER 2.5" CST F X 1.5" NST M REDUCER *2.5" CST Female to 1.5" male NST*	$33.00	$66.00
4	EA	ZEPIND 18	ZEPHYR WRENCH BRACKET W 2 SPANNER WRENCHES 1 HYDRANT WRENCH HOLDER *Bracket Only*	$72.00	$288.00
8	EA	ZEPIND 8	ZEPHYR INDUSTRIES UNIVERSAL SPANNER WRENCH FOR 1.5" TO 3" *spanner wrench*	$18.00	$144.00
4	EA	AKRBRA 17	AKRON BRASS HYDRANT WRENCH	$51.00	$204.00
3	EACH	WSDARL BN583	SUPER SPANNER WRENCH SET	$147.00	$441.00

QUOTE

NMA 0000906

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23355 MERCANTILE ROAD
BEACHWOOD, OH 44122

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NICHOLAS MARTIN
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RUSSELL, OH 44072
P: (440)477-1901
nmartin@finleyfire.com

Customer ID	Ship Via	Sales Rep	Terms	Date
44122B	UPS GROUND	NMA	NET 10	08/04/2019

Quantity	UOM	Item #	Description	Unit Price	Extended Price
2	EA	ZEPIND 16	STORZ WRENCH HOLDER (HOLDS TWO) *Bracket Only*	$63.00	$126.00
4	EA	ZEPIND 17	LDH STORZ WRENCH *LDH/Storz Wrench*	$20.00	$80.00
1	EA	HARINC HHR-2	2-MAN HOSE ROLLER	$165.00	$165.00
1	EA	WEHENG GMM-2	GLASS MASTER COMPLETE	$179.00	$179.00
1	EA	PARINC 22-889052G2	MODEL 52 5 BAG LIFT SET G2	$4,971.00	$4,971.00
1	EA	PARINC 22-890300G2-150	150 PSI MASTER CONTROL KIT	$3,350.00	$3,350.00
1	EA	SHIP	SHIPPING EST *SHIPPING NOT TO EXCEED $2500*	$2,800.00	$2,800.00

Thank you for allowing Finley Fire Equipment Company, Inc. to quote the following prices on the items you have requested. All quotes are subject to cancellation due to circumstances beyond our control. Prices quoted will be valid for a period of thirty (30) days, after which time they are subject to revision or withdrawal. Prices may also need to be reevaluated if the manufacturer releases a price increase. This quote does not include any taxes which are in effect now or which may be imposed later. Shipping charges will be added, if applicable. If you have any questions, please call. We sincerely appreciate your business.

Subtotal	$54,632.70
Tax	$0.00
Total	$54,632.70

MES MUNICIPAL EMERGENCY SERVICES | WARREN FIRE EQUIPMENT

Quote

6880 Tod Avenue SW
Warren, OH 44481

Date	09/17/2019
Quote #	QT1297539
Expires	10/17/2019
Sales Rep	Dewitt, Mickey
PO #	
Shipping Method	FedEx Ground
Shipping Code (2)	

Bill To

BEACHWOOD FIRE DEPT.
ACCOUNTS PAYABLE
PO BOX 22659
BEACHWOOD OH 44122
United States

Ship To

BEACHWOOD FIRE DEPT
2700 RICHMOND RD
BEACHWOOD OH 44122
United States

Item	Alt. Item #	Units	Description	QTY	Unit Sales	Amount
30950200			EDCTR IN LN 1.5NHX1.5NH 95GPM #	1	657.68	657.68
1736	1736		1736 2 1⁄2” High-Range Turbojet® Breakapart Nozzle with Pistol Grip	1	938.97	938.97
23900002			PLAYPIPE W/SHUTOFF 2.5 NH X 1.5 NH# 2.5“ THREADS TO BE CLEVELAND THREAD (3.078 X 8)	2	655.38	1,310.76
45670			Portable Scene Light with 120V AC/12V DC - Yellow	4	592.64	2,370.56
90503			Survivor with Charger/Holder and 120V AC & 12V DC cords - Orange	5	109.60	548.00
80035001			Standpipe Bag Kit ? THREAD SIZE ON STAND PIPE	1	888.47	888.47
PB-30			PRO-BAR 30 inch	3	204.55	613.65
RH-6			Firehooks Unlimited New York Roof Hook - 6 foot	1	102.27	102.27
RH-8			HOOK NY ROOF 8 FT	1	110.23	110.23
RH-10			NY ROOF HOOKS Aircraft steel with standard chisel (pry) end & fire retardant grips. (Also available in fiberglass. Must request)	1	128.41	128.41
NCBC-36			36” NON CONDUCTIVE BOLT CUTTERS	1	119.32	119.32
HR-2			HYDRA-RAM II, FORCIBLE ENTRYTOOL 6 inch MAX THRUST OPENING	1	2,045.45	2,045.45
XXLG-32			BlitzForce Portable Monitor w/Ball Valve w/ZN Fixed 500GPM,	1	1,675.00	1,675.00
15820001			WYE HYDRANT 2.5 NH RL F X 2)2.5 NH M# 2.5“ X (2) 2.5” GATED WYES ALL CLEVELAND THREADS (3.078 X 8)	2	1,246.80	2,493.60
15810002			WYE LDR LNE 2.5 NH F X 2)1.5 NH M# 2.5“ CLEVELAND THREAD (3.078 X 8) X (2) 1.5” NST	1	620.41	620.41
2580			Gated Wye 1.5 Female to (2) 1.5 Gated Male	1	374.16	374.16
AKRON Nozzles	535		535 AKRON Nozzles 2.5“ BRASS CELLAR NOZZLE W/CLEVELAND THREAD (3.078 X 8)	1	528.37	528.37
TEAM EQUIPMENT	TS2-57216		TS2-57216 Custom TEAM EQUIPMENT VENTILATION SAW	1	1,996.17	1,996.17
17200501			1/2” Turbojet ® Nozzle with Pistol Grip 1.5 NH 30-125G@75P, Black Handle	5	710.32	3,551.60

MES MUNICIPAL EMERGENCY SERVICES | WARREN FIRE EQUIPMENT

Quote

Date 09/17/2019

Quote # QT1297539

Item	Alt. Item #	Units	Description	QTY	Unit Sales	Amount
1736			2 1⁄2" High-Range Turbojet® Breakapart Nozzle with Pistol Grip ON THE 2126 2.5" INLET IT WILL BE CLEVELAND THREAD (3.078 X 8)	1	944.37	944.37
14200020			TIP TRIPLE STK 1.5NH 1,1-1/8,1-1/4ETCH#	1	221.75	221.75
ISS-82			IRONS STRAP	4	41.18	164.72
CM-2			MALLET CONNECTION 2LBS	1	16.09	16.09
TEAM EQUIPMENT	TFLK65		TFLK65 Custom TEAM EQUIPMENT FLIR K65 IMAGER	1	64.32	64.32
trACer-3			FireCraft TrACer Non-Contact Voltage Detector	1	141.18	141.18
G02-B710-100			ToxiRAE Pro Hydrogen Cyanide	1	470.69	470.69
911-FC000-08			Sensit Gold G2 gas meter with H2S, O2, LEL & CO sensor - - Unit comes with a standard 3-year warranty	1	1,701.21	1,701.21
STREAMLIGHT Flashlight			Custom STREAMLIGHT Flashlight	1	56.71	56.71
90400			BANK CHRGR, 120V SURVIVOR	1	267.40	267.40
90401			BANK CHARGER SURVIVOR, DC	1	239.53	239.53
44450			Fire Vulcan LED Standard System dual rear LEDs, quick release shoulder strap. 120V AC/12V DC.(T-4A) - Orange	4	160.26	641.04
TEAM EQUIPMENT	TEU-22.LEDT...		TEU-22.LEDTL6DK Custom TEAM EQUIPMENT LED LIGHT KIT FOR HONDA GENERATOR	1	1,629.41	1,629.41
KOCHEK Adapters	S60S54-KBR		S60S54-KBR KOCHEK Adapters 5" X 4" STORZ ADAPTER	1	114.93	114.93
KOCHEK Adapters	36R2525X-KBR		36R2525X-KBR KOCHEK Adapters 2.5" DOUBLE MALE W/CLEVELAND THREAD (3.078 X 8)	2	25.01	50.02
KOCHEK Adapters	35R2525X-KBR		35R2525X-KBR KOCHEK Adapters 2.5" DOUBLE FEMALE W/CLEVELAND THREADS (3.078 x 8)	2	36.01	72.02
KOCHEK Adapters	37R2515X-KBR		37R2515X-KBR KOCHEK Adapters THE 2.5" COUPLING WILL BE CLEVELAND THREAD (3,078 X 8)	2	26.89	53.78
FAL-8			8# Flat Axe (HiViz Lime) 36" Handle w/Reflective Tape	2	93.41	186.82
PAL-8			8# Pick Axe (HiViz Lime) 36" Handle w/Reflective Tape	1	93.41	93.41
SLL-10-36			10# Sledge (HiViz Lime) 36" Handle w/Reflective Tape	2	41.88	83.76
K48-3-P18-P09			Set-Triple Holder, (1) K07 Hydrant Wrench (2) K01 Spanner Wrenches - Black	4	79.88	319.52
REDHEAD	S-146-2		S-146-2 Custom REDHEAD	2	56.06	112.12
KOCHEK Repair/Part	K46-2-KBR		K46-2-KBR KOCHEK Repair/Part SET DOUBLE HOLDER W/(2) K01 SPANNER WRENCHES	2	62.49	124.98
KHR-2			KHR Hose Roller - Two Man	3	115.81	347.43

MES MUNICIPAL EMERGENCY SERVICES | WARREN FIRE EQUIPMENT

Quote

Date 09/17/2019
Quote # QT1297539

Item	Alt. Item #	Units	Description	QTY	Unit Sales	Amount
GMM-2			GLAS MASTER TOOL COMPLETE	1	196.91	196.91
SUPER VACUUM	V18-BD-12-AC...		V18-BD-12-AC-SP Custom SUPER VACUUM BATTERY POWERED PPV FAN	1	4,174.19	4,174.19

Subtotal	33,561.39
Shipping Cost (FedEx Ground)	0.00
Total	$33,561.39

CUSTOMER PAYS FREIGHT

This Quotation is subject to any applicable sales tax and shipping & handling charges that may apply. Tax and shipping charges are considered estimated and will be recalculated at the time of shipment to ensure they take into account the most current local tax information.

All returns must be processed within 30 days of receipt and require a return authorization number and are subject to a restocking fee.

Custom orders are not returnable. Effective tax rate will be applicable at the time of invoice.

QT1297539

INTRODUCED BY: ORDINANCE NO. 2019-117

AN ORDINANCE ACCEPTING A QUOTATION FROM FINLEY FIRE EQUIPMENT CO., FOR THE PURCHASE OF A VOGEL LUBRICATION SYSTEM FOR THE CITY OF BEACHWOOD, OHIO FIRE & RESCUE DEPARTMENT; AND DECLARING THIS TO BE AN URGENT MEASURE

WHEREAS, Ordinance No. 2019-103 authorized the purchase of a new Fire Engine for the City of Beachwood, Ohio Fire & Rescue Department; and

WHEREAS, certain equipment is required to be purchased to prepare the Fire Engine for Service; and

WHEREAS, one (1) quotation was received by the City from Finley Fire Equipment Co. for the purchase of a Vogel Lubrication System for the new fire engine in an amount not to exceed Four Thousand Eight Hundred Seventy-One Dollars and No/Cents ($4,871.00).

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Beachwood, County of Cuyahoga, and State of Ohio, that:

Section 1: Based upon the recommendation of the Fire Chief, the quotation from Finley Fire Equipment Co., the Mayor is hereby authorized and directed to accept the above quotation from Finley Fire Equipment Co., for the purchase of the Vogel Lubrication System for the new fire engine in an amount not to exceed Four Thousand Eight Hundred Seventy-One Dollars and No/Cents ($4,871.00).

Section 2: It is found and determined that all formal actions and deliberations of Council and its committees relating to the passage of this legislation that resulted in formal action were in meetings open to the public where required by Chapter 105 of the Codified Ordinances of the City.

Section 3: This Ordinance is declared to be an urgent measure which is immediately necessary for the public peace, health or safety or the efficient operation of the City, and for the further reason that it is necessary to purchase the required equipment at the earliest time so that the City can continue to provide safe and reliable safety/rescue services to its residents; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

WHEREFORE, this Ordinance shall take effect and be in force from and after the earliest date permitted by law.

Attest: I hereby certify this legislation was duly adopted on the 7th day of October, 2019, and presented to the Mayor for approval or rejection in accordance with Article III, Section 8 of the Charter on the 8th day of October, 2019.

_____
Clerk

Approval: I have approved this legislation this 8th day of October, 2019, and filed it with the Clerk.

_____
Mayor

INVOICE

BBU 000419

SHIP TO:
BEACHWOOD, CITY OF
23355 MERCANTILE ROAD
BEACHWOOD, OH 44122

BILL TO:
BEACHWOOD, CITY OF
ACCOUNTS PAYABLE
PO BOX 22659
BEACHWOOD, OH 44122

Customer ID	Ship Via	Sales Rep	Terms	Date
44122B	UPS GROUND	NMA	NET 10	09/11/2019

Quantity	UOM	Item #	Description	Unit Price	Extended Price
1	EA	VOGLUB 9900-002-252	VOGEL LUBE SYSTEM	$4,871.00	$4,871.00

Thank you for allowing Finley Fire Equipment Company, Inc. to quote the following prices on the items you have requested. All quotes are subject to cancellation due to circumstances beyond our control. Prices quoted will be valid for a period of thirty (30) days, after which time they are subject to revision or withdrawal. Prices may also need to be reevaluated if the manufacturer releases a price increase. This quote does not include any taxes which are in effect now or which may be imposed later. Shipping charges will be added, if applicable. If you have any questions, please call. We sincerely appreciate your business.

Subtotal	$4,871.00
Tax	$0.00
Total	$4,871.00

CITY OF BEACHWOOD
INTER-OFFICE MEMORANDUM

TO: **Mayor Martin Horwitz**
FROM: **Chief Gary Haba**
DATE: **10 September 2019**
SUBJECT: **Motorola Radio Maintenance Agreement**

The Motorola radio equipment installed last year by B & C Communications in the new dispatch center came with one year of maintenance and support included. For each following year, the maintenance/support plan selected by the city will be invoiced by Motorola. The second year was priced at $35,616 per the original contract and that plan will be up for renewal shortly. I have included a copy of page 27 of the original contract with Motorola for your reference.

I respectfully request that approval of this expense be added to the next available council agenda. The amount was known to us and budgeted for accordingly. I also suggest that rather than having to seek approval for this known and needed expense for the next few years, that we seek authorization for this expense for years 3-5 of the contract now as well. As indicated on the contract, years 2-5 are as follows:

Year 2 (2019)- $35,616.00
Year 3 (2020)- $37,397.00
Year 4 (2021)- $39,267.00
Year 5 (2022)- $41,230.00

Mr. Heiser has been aware of this expense and is supportive of seeking approval now to authorize the funding for the remainder of the contract. Please see me with any questions or concerns.

INTRODUCED BY: ORDINANCE NO. 2019-118

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH MOTOROLA SOLUTIONS, INC. TO PROVIDE MAINTENANCE SERVICES FOR RADIO BACK HAUL EQUIPMENT FOR THE CITY OF BEACHWOOD, OHIO DISPATCH CENTER; AND DECLARING THIS TO BE AN URGENT MEASURE

WHEREAS, Ordinance No. 2018-87 authorized the purchase of new Radio Back Haul Equipment for the City of Beachwood Dispatch Center; and

WHEREAS, the Finance Director has recommended entering into an agreement with Motorola Solutions, Inc. to provide maintenance services for Radio Back Haul Equipment, used by the City of Beachwood, Ohio Dispatch Center; and

WHEREAS, the proposal from Motorola Solutions, Inc. reflects rates for years two (2) through five (5) consecutively in the following amounts: Thirty-Five Thousand Six Hundred Sixteen Dollars and No/Cents ($35,616.00), Thirty-Seven Thousand Three Hundred Ninety-Seven Dollars and No/Cents ($37,397.00), Thirty-Nine Thousand Two Hundred Sixty-Seven Dollars and No/Cents ($39,267.00), and Forty-One Thousand Two Hundred Thirty Dollars and No/Cents ($41,230.00).

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Beachwood, County of Cuyahoga and State of Ohio, that:

Section 1: Based upon the recommendation of the Finance Director, the Mayor is hereby authorized to enter into an agreement, a copy of which is attached hereto and incorporated herein as Exhibit "A", with Motorola Solutions, Inc. to provide maintenance services for Radio Back Haul Equipment, used by the City of Beachwood, Ohio Dispatch Center, in the following amounts: Thirty-Five Thousand Six Hundred Sixteen Dollars and No/Cents ($35,616.00), Thirty Seven Thousand Three Hundred Ninety Seven Dollars and No/Cents ($37,397.00), Thirty Nine Thousand Two Hundred Sixty Seven Dollars and No/Cents ($39,267.00), and Forty One Thousand Two Hundred Thirty Dollars and No/Cents ($41,230.00) for years two (2) through five (5) consecutively.

Section 2: It is found and determined that all formal actions and deliberations of Council and its committees relating to the passage of this legislation that resulted in formal action were in meetings open to the public where required by Chapter 105 of the Codified Ordinances of the City.

Section 3: This Ordinance is declared to be an urgent measure which is immediately necessary for the public peace, health or safety or the efficient operation of the City, and for the further reason that it is necessary to approve this Agreement at the earliest time so that the City can continue to provide safe and reliable safety/rescue services to its residents; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

WHEREFORE, this Ordinance shall be in full force and effect and in force from and after the earliest date permitted by law.

Attest: I hereby certify this legislation was duly adopted on the 7th day of October, 2019, and presented to the Mayor for approval or rejection in accordance with Article III, Section 8 of the Charter on the 8th day of October, 2019.

_____
Clerk

Approval: I have approved this legislation this 8th day of October, 2019 and filed it with the Clerk.

_____
Mayor

MOTOROLA SOLUTIONS

SECTION 4

PRICING

The following table provides a pricing breakdown for the proposed equipment and services.

4.1 PRICING SUMMARY

Description	Sale Price
MCC 7500 Dispatch Console with 4 operator positions per Ohio STS pricing. Includes Project Management, installation services, optimization, testing and 1st year warranty services per the proposed Equipment List and Statement of Work.	$522,248
Incentive to Purchase by December 22, 2017 with the Approval to Ship Immediately.	($32,821)
Final Total Sale Price with Incentive	**$489,427**

4.2 LIFECYCLE SERVICES SUMMARY

Lifecycle Services proposed below are for maintenance and system upgrades after year 1. These services can be purchased with this proposal or as a separate purchase. The proposed services in the Advance Plus Package are defined in the Service section of this proposal.

**NOTE: As an Add On to Ohio MARCSIP all add-ons are required to align with the MARCSIP System Upgrade schedule and must include security monitoring and security update services. The annual pricing defined below includes the MARCSIP required services.*

Description	Price
Advance Package Plus - Year 2*	$35,616
Advance Package Plus - Year 3*	$37,397
Advance Package Plus - Year 4*	$39,267
Advance Package Plus - Year 5*	$41,230

4.3 PAYMENT TERMS AND CONDITIONS

- 100% of payment for equipment is due upon shipment
- 100% of payment for services is due as rendered
- Prices quoted per Ohio State Term Schedule #573077-0.
- Incentive Price reflects an order received by 12/22/2017 date with the approval to ship immediately.

Use or disclosure of this proposal is subject to the restrictions on the disclosure page.

MOTOROLA SOLUTIONS

SERVICE AGREEMENT

1299 E Algonquin Road
Schaumburg, IL 60196
(800) 247-2346

Contract Number: USC000047247
Contract Modifier:

Date: 30-Sept-2019

Company Name:	Beachwood, City Of
Attn.:	
Billing Address:	2700 Richmond Rd
City, State, Zip Code:	Beachwood, OH 44122
Customer Contact:	Craig Kaufman
Phone:	216-5953711

P.O.#:	N/A
Customer #:	1036518225
Bill to Tag#:	0001
Contract Start Date:	01-OCT-2019
Contract End Date:	30-SEP-2023
Payment Cycle:	ANNUALLY
Currency:	USD

QTY	MODEL/OPTION	SERVICES DESCRIPTION	MONTHLY EXT	EXTENDED AMT
		***** Recurring Services *****		
	LSV01S00525A	ASTRO ADV+ SERVICE PACKAGE TECHSUPPORT DISPATCH NETWORK MONITORING SECURITY MONITORING SECURITY UPDATE SERVICE REMOTE SECURITY UPDATE SERVICE INFRASTRUCTURE REPAIR/ADV REPLACE PREMIER-ONSITE RESPONSE NETWORK PREVENTATIVE MAINTENANCE SYS UPGRADE AGRMT II-SITE HARDWARE/SOFTWARE/IMPLEMENTATION		
		10/01/2019-09/30/2020		$35,616.00
		10/01/2020-09/30/2021		$37,397.00
		10/01/2021-09/30/2022		$39,267.00
		10/01/2022-09/30/2023		$41,230.00

	Sub Total		$153,510.00
	Taxes		$0.00
	Grand Total		$153,510.00

SPECIAL INSTRUCTIONS - ATTACH STATEMENT OF WORK FOR PERFORMANCE DESCRIPTIONS

CSM Name: Mark Blaser

This is a 4 year agreement, pricing was provided on the original signed agreement to purchase the dispatch center. Price and payment is on an annual basis.

THIS SERVICE AMOUNT IS SUBJECT TO STATE AND LOCAL TAXING JURISDICTIONS WHERE APPLICABLE, TO BE VERIFIED BY MOTOROLA SOLUTIONS

I received Statements of Work that describe the services provided on this Agreement. Motorola's Service Terms and Conditions, a copy of

which is attached to this Service Agreement, is incorporated herein by this reference.

AUTHORIZED CUSTOMER SIGNATURE	TITLE	DATE
CUSTOMER (PRINT NAME)		
Mark Blaser	Customer Support Manager	09/30/2019
MOTOROLA REPRESENTATIVE (SIGNATURE)	TITLE	DATE
MARK BLASER	(440) 865-4306	
MOTOROLA REPRESENTATIVE (PRINT NAME)	PHONE	

Company Name	:	Beachwood, City Of
Contract Number	:	USC000047247
Contract Modifier	:	
Contract Start Date	:	01-OCT-2019
Contract End Date	:	30-SEP-2023

Service Terms and Conditions

Motorola Solutions Inc. ("Motorola") and the customer named in this Agreement ("Customer") hereby agree as follows:

Section 1. APPLICABILITY
These Maintenance Service Terms and Conditions apply to service contracts whereby Motorola will provide to Customer either (1) maintenance, support, or other services under a Motorola Service Agreement, or (2) installation services under a Motorola Installation Agreement.

Section 2. DEFINITIONS AND INTERPRETATION
2.1. “Agreement” means these Maintenance Service Terms and Conditions; the cover page for the Service Agreement or the Installation Agreement, as applicable; and any other attachments, all of which are incorporated herein by this reference. In interpreting this Agreement and resolving any ambiguities, these Maintenance Service Terms and Conditions take precedence over any cover page, and the cover page takes precedence over any attachments, unless the cover page or attachment states otherwise.

2.2. “Equipment” means the equipment that is specified in the attachments or is subsequently added to this Agreement.

2.3. “Services” means those installation, maintenance, support, training, and other services described in this Agreement.

Section 3. ACCEPTANCE
Customer accepts these Maintenance Service Terms and Conditions and agrees to pay the prices set forth in the Agreement. This Agreement becomes binding only when accepted in writing by Motorola. The term of this Agreement begins on the “Start Date” indicated in this Agreement.

Section 4. SCOPE OF SERVICES
4.1. Motorola will provide the Services described in this Agreement or in a more detailed statement of work or other document attached to this Agreement. At Customer’s request, Motorola may also provide additional services at Motorola’s then-applicable rates for the services.

4.2. If Motorola is providing Services for Equipment, Motorola parts or parts of equal quality will be used; the Equipment will be serviced at levels set forth in the manufacturer’s product manuals; and routine service procedures that are prescribed by Motorola will be followed.

4.3. If Customer purchases from Motorola additional equipment that becomes part of the same system as the initial Equipment, the additional equipment may be added to this Agreement and will be billed at the applicable rates after the warranty for that additional equipment expires.

4.4. All Equipment must be in good working order on the Start Date or when additional equipment is added to the Agreement. Upon reasonable request by Motorola, Customer will provide a complete serial and model number list of the Equipment. Customer must promptly notify Motorola in writing when any Equipment is lost, damaged, stolen or taken out of service. Customer’s obligation to pay Service fees for this Equipment will terminate at the end of the month in which Motorola receives the written notice.

4.5. Customer must specifically identify any Equipment that is labeled intrinsically safe for use in hazardous environments.

4.6. If Equipment cannot, in Motorola’s reasonable opinion, be properly or economically serviced for any reason, Motorola may modify the scope of Services related to that Equipment; remove that Equipment from the Agreement; or increase the price to Service that Equipment.

4.7. Customer must promptly notify Motorola of any Equipment failure. Motorola will respond to Customer's notification in a manner consistent with the level of Service purchased as indicated in this Agreement.

Section 5. EXCLUDED SERVICES

MOTOROLA SOLUTIONS

ADVANCED PLUS SERVICES STATEMENT OF WORK

V1.3

September 2018

The design, technical, pricing, and other information ("Information") furnished with this submission is proprietary and/or trade secret information of Motorola Solutions, Inc. ("Motorola Solutions") and is submitted with the restriction that it is to be used for evaluation purposes only. To the fullest extent allowed by applicable law, the Information is not to be disclosed publicly or in any manner to anyone other than those required to evaluate the Information without the express written permission of Motorola Solutions.

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TABLE OF CONTENTS

Contents

V1.3 1

Section 1 3

Advanced Plus SERVICES STATEMENT of Work 3

1.1 Introduction 3

1.1.1 Advanced Plus Services 3

1.1.2 Customer Support Plan (CSP) 3

1.1.3 Centralized Service Delivery 4

1.1.4 Field Service Delivery 4

1.1.5 Network Hardware Repair 5

1.1.6 Security Management Operations 5

1.1.7 Network Updates 5

1.1.8 MyView Portal 6

1.2 Appendix A: Network Event Monitoring Statement of Work 8

1.2.1 Engagement Matrix 11

1.2.2 Connectivity Matrix 12

1.3 Appendix B: Technical Support Statement of Work 14

1.4 Appendix C: Network Hardware Repair Statement of Work 19

1.5 Appendix D: Remote Security Patch Installation Statement of Work 23

1.6 Appendix E: OnSite Support Statement of Work 29

1.7 Appendix F: Annual Preventive Maintenance Statement of Work 34

1.8 Appendix G: Network updates Statement of Work 45

1.9 Appendix H: Network Hardware Repair with Advanced Replacement Overview 1-1

1.10 Appendix I: Security Monitoring Service Overview 1-7

1.11 Addendum 1-10

1.12 Appendix J: PREVENTIVE Maintenance Level 2 1-11

1.12.1 Annual Preventive Maintenance Level 2 Statement of Work 1-11

SECTION 1

ADVANCED PLUS SERVICES STATEMENT OF WORK

1.1 INTRODUCTION

This Statement of Work (SOW), including all of its subsections and attachments is an integral part of the Services Agreement or other signed agreement between Motorola Solutions, Inc. (Motorola) and Customer ("Agreement") and is subject to the terms and conditions set forth in the Agreement.

Advanced Plus Services are Network Event Monitoring, Technical Support, Network Hardware Repair, Remote Security Patch Installation, OnSite Support and Annual Preventive Maintenance. Each of these services are summarized below and expanded upon in the appendices A, B, C, D, E and F. In the event of a conflict between the Sections below and an individual SOW Subsection, the individual SOW Subsection prevails.

1.1.1 Advanced Plus Services

Motorola's Advanced Plus Services are designed for customers who would benefit from Motorola's support experience. Advanced Plus Services are delivered through a combination of centralized resources within Motorola's Solutions Support Center (SSC) collaborating with authorized local field services delivery resources that are experienced in managing mission critical networks and associated technologies. The MSI SSC operates 24 x 7 x 365, leveraging field resources that are either dedicated to the network or engaged as needed.

Advanced Plus Services applies to fixed end communications network equipment located at the network core, RF site and dispatch sites. Advanced Plus Services do not include maintenance of mobile or portable devices, or network backhaul.

The services described in this SOW will be performed in accordance with the Customer Support Plan (CSP) agreed upon by the parties.

The CSP will define the system elements covered under Advanced Plus Services. The division of responsibilities between Motorola and Customer shall be defined and documented in the Appendices of this SOW, the Advanced plus Services CSP and other portions of the Agreement.

1.1.2 Customer Support Plan (CSP)

The Advanced Plus Services Statement of Work summarizes Motorola's delivery approach and standard goals. Since individual customer technologies, systems, operating environments, and operational capabilities differ, the outlined services approach in the Advanced plus Services SOW will be adapted to each Customer's own environment and unique needs via the CSP.

The CSP is a critical component of this SOW and, once created, will automatically become integrated into this SOW by this reference. Motorola and Customer will collaborate to define the Customer-specific processes, procedures, network information, and other relevant support details required to perform the Services set forth in the Advanced Plus Services SOW.

1.1.3 Centralized Service Delivery

Network Event Monitoring provides for real time continuous event management for radio communications networks. The SSC Network Operations Center utilizes sophisticated tools for remote monitoring and event characterization of customer communications networks. When an event is detected, technologists acknowledge and assess the situation, and initiate a defined response. Appendix A contains the SOW for Network Event Monitoring.

Technical Support provides telephone consultation for technical issues that require a high level of ASTRO 25 network experience and troubleshooting capabilities. Technical Support is delivered through the Motorola Solutions Support Center (SSC) by a staff of technical support specialists skilled in diagnosis and swift resolution of infrastructure performance and operational issues. Motorola applies leading industry standards in recording, monitoring, escalating and reporting for Technical Support calls from its contracted customers, reflecting the importance of maintaining mission critical systems. Appendix B contains the SOW for Technical Support.

The Service Desk provides a single point of contact for all Service related items, including communications between Customer, Third-Party Subcontractors, and Motorola. The Service Desk provides an ingress/egress point for Service Requests, Service Incidents, Changes, and Dispatch. All incoming transactions through the Service Desk are recorded, tracked and updated through the Motorola Customer Relationship Management (CRM) system. Key responsibilities are: Documentation of customer inquiries, requests, concerns and related tickets. Tracking and resolution of issues, and timely communication with all stakeholders is based on the nature of the incident and the requirements of the CSP. The Services Desk will manage service requests received from authorized parties and will coordinate the appropriate response with Customer and third parties, as necessary.

1.1.4 Field Service Delivery

Advanced Plus Services are provided by authorized local field Services delivery resources. Annual Preventive Maintenance and OnSite Support are both managed from the SSC, but delivered by authorized local field services resources.

OnSite Support provides local, trained and qualified technicians who arrive at the customer location upon a dispatch service call to diagnose and restore the communications network. This involves running diagnostics on the hardware or FRU (Field Replacement Unit) and replacing defective infrastructure or FRU. The system technician will respond to the customer location based on pre-defined Incident priority levels. Appendix E contains the SOW for Onsite Support.

Annual Preventive Maintenance Service provides proactive, regularly scheduled operational test and alignment of infrastructure and network components to continually meet original manufacturer’s specifications. Certified field technicians

perform hands-on examination and diagnostics of network equipment on a routine and prescribed basis. Appendix F contains the SOW for Annual Preventive Maintenance.

1.1.5 Network Hardware Repair

Motorola provides a hardware repair service for all of the Motorola and select third-party infrastructure equipment supplied by Motorola. The Motorola authorized Repair Depot manages and performs the repair of Motorola supplied equipment as well as coordinating the equipment repair logistics process. Appendix C contains the SOW for Network Hardware Repair.

Network Hardware Repair with Advanced Replacement is a purchasable option under which Motorola will provide Customer with an advanced replacement unit(s) or Field Replacement Units (FRU's) as they are available in exchange for Customer's malfunctioning equipment. Malfunctioning equipment will be evaluated and repaired by the infrastructure repair depot and returned to depot's FRU inventory upon completion of repair. Customers who prefer to maintain their existing FRU inventory have an option to request a "Loaner" FRU while their unit is being repaired. If purchased, an appendix with the Network Hardware Repair with Advanced Replacement SOW will be included at the end of this document.

1.1.6 Security Management Operations

Remote Security Patch Installation

Motorola maintains a dedicated vetting lab for each supported ASTRO 25 release for the purpose of pre-testing security updates. In some cases, when appropriate, Motorola will make the updates available to outside vendors, allow them to test, and then incorporate those results into this offering. Once tested, Motorola posts the updates to a secured extranet website and sends an email notification to the customer. If there are any recommended configuration changes, warnings, or workarounds, Motorola will provide detailed documentation along with the updates on the website. In addition to testing the security updates, Remote Security Patch Installation includes remote installation of the updates. Appendix D contains the SOW for Remote Security Patch Installation.

Security Monitoring

ASTRO 25 Security Monitoring is a purchasable solution that provides 24x7x365 monitoring of the radio network security elements by specialized security technologists with years of experience working with ASTRO 25 mission-critical networks. For highly complex or unusual security events, our technologists have direct and immediate access to Motorola engineers for rapid resolution. If purchased, an appendix with the Security Monitoring SOW will be included at the end of this document.

1.1.7 Network Updates

Network Updates Service is a comprehensive approach to technology sustainment of the ASTRO 25 system. It incorporates both software and hardware updates aligned with the ASTRO 25 platform lifecycle so the customer's system is maintained at a high level of support. Network Updates service provides a complete package of hardware, software and implementation

services required to update the ASTRO 25 system with an equivalent level of functionality.

- Network Updates enable the ASTRO 25 system to function at high levels of operation over time, and allow for feature enhancement and system expansion, such as expansion of RF sites, dispatch positions, data sub-systems, network management positions, while maximizing the lifespan of the investment. Network updates provide access to the latest available standard and optional features (optional features may require an additional fee for licensing and hardware). Software and hardware updates to platform components optimize the availability of repair services support and may also provide increased capacity and processing capability. Live network updates are performed with minimal interruption to system operation and with minimal reliance on owner resources. Appendix G contains the SOW for Network Updates

1.1.8 MyView Portal

MyView Portal is a web-based platform that provides a transparent, single source view of network maintenance and operations along with historical system and service delivery information. It can be accessed from a desktop, laptop or tablet web browser.

- Event Monitoring Reports: See resolution status for incidents and notifications by Incident priority level.
- Technical Support: View Incident status details to compare them to committed response times.
- OnSite Support: Observe Incident details by Incident priority level and track the progress of onsite support issue resolution.
- Annual Preventive Maintenance: Access the maintenance status for all sites and quickly identify actions needed to take to optimize system performance.
- Network Hardware Repair: Track return material authorizations (RMAs) shipped to our repair depot and eliminate the need to call for status updates.
- Security Patching: Receive automated patch downloads and status on competed updates.
- Trending Reports: Access up to 13 months of historical data and system activity to analyze Incident management.
- Asset and Contract Information: View all the assets purchased for the network, recent orders, and contract information.

The data presented in MyView Portal is in support of the appendix SOW's which provide the terms of any service delivery commitments associated with this data.

1.2 APPENDIX A: NETWORK EVENT MONITORING STATEMENT OF WORK

Network Event Monitoring provides real-time fault monitoring for radio communications networks on a continuous basis. Network Event Monitoring utilizes sophisticated tools for remote monitoring and event characterization of your communications networks. When an event is detected, skilled technologists acknowledge and assess the situation, and initiate a defined response.

The terms and conditions of this Statement of Work (SOW) are an integral part of Motorola's Service Agreement or other applicable agreement to which it is attached and made a part thereof by this reference.

1.0 Description of Network Event Monitoring Services

Network Event Monitoring is a service designed to monitor elements of a communication system for events, as set forth in the Monitored Elements Table. When the SSC detects an event, then, based on the Incident priority,trained technologists acknowledge and remotely diagnose the event and initiate an appropriate response in accordance with the customer handling procedure. Appropriate responses could include, but are not limited to, continuing to monitor the event for further development, attempting remote remediation via engagement of Technical Support resources, or initiating dispatch of a Field Servicer ("Servicer") for onsite remediation if required.

1.1 Availability

Network Event Monitoring is available 24 hours a day, 7 days a week. Network Event Monitoring availability is based on the level of contracted service and defined in the Customer Support Plan (CSP).

1.2 Geographic Availability

Network Event Monitoring is a globally provided service unless limited by data export control regulations. Timeframes are based on the customer's local time zone.

1.3 Inclusions

Network Event Monitoring can be delivered on Motorola sold infrastructure as stated in the Monitored Elements Table.

1.4 Limitations and Exclusions

1.4.1 Does not include monitoring of anything outside of the radio network or monitoring of infrastructure provided by a third party, unless specifically stated. Monitored elements must be within the radio network and capable of sending traps to the Unified Event Manager (UEM).

1.4.2 Additional support charges above and beyond the contracted service agreement fees may apply if Motorola determines that system faults were caused by the customer making changes to critical system parameters.

1.4.3 The following activities are outside the scope of the Network Monitoring service, but are optional services that are available to remote Network Monitoring customers at an additional cost:

1.4.3.1 Emergency on-site visits required to resolve technical issues that cannot be resolved by SSC working remotely with the local customer technical resource.

1.4.3.2 System installations, upgrades, and expansions.

1.4.3.3 Customer training.

1.4.3.4 Hardware repair and/or exchange.

1.4.3.5 Network security services.

1.4.3.6 Network transport (WAN ports, WAN cloud, redundant paths).

1.4.3.7 Information Assurance.

1.4.3.8 Any services not expressly included in this statement of work.

1.4.4 Reference the event catalogue to confirm monitored equipment.

1.5 Motorola has the following responsibilities:

1.5.1. Provide dedicated connectivity through a network connection necessary for monitoring communication networks. The Connectivity Matrix further describes the connectivity options.

1.5.2 If determined necessary by Motorola, provide Motorola owned equipment for monitoring system elements. If Motorola installs or replaces Motorola owned equipment, the type of equipment and location installed is listed in the Motorola Owned & Supplied Equipment Table.

1.5.3 Verify connectivity and event monitoring prior to system acceptance or start date.

1.5.4 Monitor system continuously during hours designated in the CSP in accordance with the pre-defined times specified in section 1.6.2 below.

1.5.5 Remotely access the customer's system to perform remote diagnosis as permitted by customer pursuant to section 1.6.4.

1.5.6 Create an Incident, as necessary. Gather information to perform the following:

1.5.6.1 Characterize the issue

1.5.6.2 Determine a plan of action

1.5.6.3 Assign and track the Incident to resolution.

1.5.7 Cooperate with customer to coordinate transition of monitoring responsibilities between Motorola and customer as specified in section 1.6.13 and 1.6.13.1.

1.5.8 Maintain communication as needed with the customer in the field until resolution of the Incident

1.6 The Customer has the following responsibilities:

1.6.2 Allow Motorola continuous remote access to enable the monitoring service.

1.6.3 Provide continuous utility service to any Motorola equipment installed or utilized at customer's premises to support delivery of the service. Customer acknowledges Risk of loss to any Equipment provided to Customer as part of the Services will reside with Customer upon delivery and will remain with Customer until Equipment is returned to Motorola or its authorized representative.

1.6.4 Provide Motorola with pre-defined customer information and preferences prior to Start Date necessary to complete the CSP, including, but not limited to:

1.6.4.1 Incident notification preferences and procedure

1.6.4.2 Repair Verification Preference and procedure

1.6.4.3 Database and escalation procedure forms.

1.6.4.4 Submit changes in any information supplied to Motorola and included in the CSP to the CSM.

1.6.5 Provide the following information when initiating a service request:

1.6.5.1 Assigned system ID number

1.6.5.2 Problem description and site location

1.6.5.3 Other pertinent information requested by Motorola to open an Incident.

1.6.6 Notify the SSC when customer performs any activity that impacts the system. (Activity that impacts the system may include, but is not limited to, installing software or hardware upgrades, performing upgrades to the network, renaming elements or devices within the network, or taking down part of the system to perform maintenance.)

1.6.7 Allow Servicers access to equipment (including any connectivity or monitoring equipment) if remote service is not possible.

1.6.8 Allow Servicers access to remove Motorola owned monitoring equipment upon cancellation of service.

1.6.9 Provide all customer managed passwords required to access the customer's system to Motorola upon request or when opening an to request service support or enable response to a technical issue.

1.6.10 Pay additional support charges above and beyond the contracted service agreements that may apply if it is determined that system faults were caused by the customer making changes to critical system parameters

1.6.11 Obtain at Customer's cost all third party consents or licenses required to enable Motorola to provide the monitoring service.

1.6.12 Cooperate with Motorola and perform all acts that are reasonable or necessary to enable Motorola to provide the services described in this SOW.

1.6.13 Contact Motorola to coordinate transition of monitoring when monitoring responsibility is to be transferred to or from Motorola. (I.e. normal business hours to after-hours monitoring) as set forth in pre-defined information provided by customer CSP.

1.6.13.1.1 Upon contact, customer must provide customer name, site id, status on any open Incidents, priority level, and brief description of an Incident and action plan to Motorola.

1.6.14 Acknowledge that Incidents will be handled in accordance with the times and priorities as defined in the Event Definition table- Appendix A .

1.6.15 Cooperate with Motorola and perform all acts that are reasonable or necessary to enable Motorola to provide the Network Event Monitoring.

1.2.1 Engagement Matrix

The event types are based on the defined priority levels as follows:

Incident Priority	Definition	Engagement Times
Critical	**Core:** Core server failures Core Link failure **Sites/Subsites:** Entire Simulcast Not Wide Trunking >= 33% of Sites/subsites down ○	Response provided 24 hours, 7 days a week, including US Holidays.
High	- **Consoles:** Console positions down (>= 33%) Console Site Link Down - **Sites/Subsites:** < 33% of Sites/subsites down >= 33% of channels down - **Conventional Channels:** >= 50% of conventional channels (CCGW) down - **Devices:** Site Router/switch, GPS server down	Response provided 24 hours, 7 days a week, including US Holidays.
Medium	**Consoles:** Console positions down (< 33% at a site) **Sites/Subsites**: < 33% of channels down **Conventional Channels:** - Less than 50% of conventional channel down	Response provided 8 x 5 on standard business days, hours which is normally Monday through Friday 8AM to 5PM, excluding US Holidays.
Low	**Minor events and warnings in the system** - Preventative & Planned Maintenance Activities (Scheduled Work)	Response provided 8 x 5 on standard business days, which is normally Monday through Friday 8AM to 5PM, excluding US Holidays.

1.2.2 Connectivity Matrix

Request connectivity 8 weeks in advance of service start date.

System Type	Available Connectivity	Set up and Maintenance
ASTRO® 25	Internet VPN	Motorola
ASTRO® 25	T1	Motorola
ASTRO® 25	Ethernet	Motorola

Motorola Owned & Supplied Equipment Table.

Equipment Type	Location Installed
Firewall/Router	Master Site
Service Delivery Management Server	Master Site for each Zone

Monitored Elements Table		
Switch	ATR	DNS
Firewall	AUC	Domain Controller
Gateway	Backup Server	Enrichment Testing
Router	Call Processor	Environmental
Virtual Machine	CAM	ESX
Network Device	Camera	EXINDA
Server	CCGW	Exit Router
Controller	Conventional	Gateway Unit
Base Radio	Core	Generic Node
Telephony	Core Router	Guest WIFI
Zone Controller	CPG	HSS
ADSP	Data Base station	IDF
Agent	Data Processing	Impact
AMB	Database Server	Infrastructure (CHI CAM)
AP	Device Config Server	Install Server
ARCA DACS	DIU	IPDU
Jump Server	Packet Data Gateway	WebGUI
LAN Switch	Moscad Server	Probe
Licensing Service	Net cool Server	Probe Server
Link	Network Address	PTT
Logging Recorder	NX	QUANTAR

Monitored Elements Table		
Logging Replay Station	Object Server	RDM
LTE	OMADM	RFS
MDF	OP	RNG
MGEG	OSP	RTU
Microwave	OSS	Security
MME	ZDS	Short Data Router
SPM	Statistical Server	TRAK
UPS	TENSR	Trap Forwarder
VMS	UEM	UCS
VPM	WebGUI	

*Some or all of the above equipment may be monitored depending on system configuration and need. Other equipment (not listed) may be monitored as an option, consult with your Customer Support Manager for details.

1.3 APPENDIX B: TECHNICAL SUPPORT STATEMENT OF WORK

Motorola's Technical Support service provides telephone consultation for technical issues that require a high level of ASTRO 25 network knowledge and troubleshooting capabilities. Remote Technical Support is delivered through the Motorola Solutions Support Center (SSC) by a staff of technical support specialists skilled in diagnosis and swift resolution of infrastructure performance and operational issues.

Motorola applies leading industry standards in recording, monitoring, escalating and reporting for Technical Support calls from its contracted customers, reflecting the importance of maintaining mission critical systems.

1.1 Description of Technical Support Services

Motorola's Solutions Support Center's (SSC) primary goal is Customer Issue Resolution (CIR), providing Incident Restoration and Service Request Fulfillment on Motorola's currently supported infrastructure. This team of highly skilled, knowledgeable, and experienced specialists is available to the customer as an integrated part of the support and technical issue resolution process. The SSC remotely supports the customer and works with but not limited to fault diagnostics tools, simulation networks and fault database search engines.

Technical Support is available Monday - Friday 8:00am - 5:00pm local site time and 24 hours a day, 7 days a week for Critical and High Priority Incidents. Technical Support availability for Medium and Low Priority Incidents is outlined in the Priority Level Response Goals. Calls requiring incidents or service requests will be logged in Motorola's Customer Relationship Management (CRM) system. This helps ensure that technical issues are prioritized, updated, tracked and escalated as necessary, until resolution. Technical Support Operations assigns the impact level in accordance with the agreed Priority Level Response Goals Level Definitions stated in this document.

Motorola will track the progress of each Incident from initial capture to resolution. Motorola will advise and inform the customer of the Incident progress and tasks that require further investigation and assistance from the customer's technical resources.

This service requires the customer to provide a suitably trained technical resource that delivers maintenance and support to the customer's system, and who is familiar with the operation of that system. Motorola provides technical consultants to support the local resource in the timely closure of infrastructure, performance and operational issues.

1.2 Scope

Technical Support service is available Monday - Friday 8:00am - 5:00pm local site time and 24 hours a day, 7 days a week for Critical and High Priority Incidents. See Priority Level Response Goals Level Definitions.

1.3 Inclusions

Technical Support service will be delivered on Motorola sold infrastructure including integrated 3rd party products.

1.4 Limitations and Exclusions

The following activities are outside the scope of the Technical Support service, but are optional services that are available to remote Technical Support customers at an additional cost:

1.4.1 Emergency on-site visits required to resolve technical issues that cannot be resolved with the SSC working remotely with the local customer technical resource.

1.4.2 Third party support for equipment not sold by Motorola.

1.4.3 System installations, upgrades, and expansions.

1.4.4 Customer training.

1.4.5 Hardware repair and/or exchange.

1.4.6 Network security services.

1.4.7 Network transport management.

1.4.8 Motorola services not included in this statement of work.

1.4.9 Any technical support required as a result of a virus or unwanted intrusion is excluded if the system is not protected against these security threats by Motorola's Pre-tested Security Update Service when applicable.

1.5 Motorola has the following responsibilities:

1.5.1. Provide availability to the Motorola Solution Support Center (800-221-7144), 24 hours a day, 7 days a week to respond to Customer's requests for Critical, High Priority Incidents. Refer to Priority Level Response Time Goals for Medium, Low response times.

1.5.2. Respond initially to Incidents and Technical Service Requests in accordance with the response times set forth in the Priority Level Response Time Goals section of this document and the Incident priority levels defined in the Priority Level Definitions section of this document.

1.5.3. Provide caller a plan of action outlining additional requirements, activities or information required to achieve restoral/fulfillment.

1.5.4. Maintain communication with the customer in the field as needed until resolution of the Incident

1.5.5. Coordinate technical resolutions with agreed upon third party vendors, as needed.

1.5.6. Manage functionally escalated support issues to additional Motorola technical resources, as applicable.

1.5.7. Determine, in its sole discretion, when a Incident requires more than the Technical Support services described in this SOW and notify customer of an alternative course of action.

1.6. The Customer has the following responsibilities:

1.6.1. Provide Motorola with pre-defined information prior to contract start date necessary to complete Customer Support Plan (CSP).

1.6.2. Submit changes in any information supplied in the Customer Support Plan (CSP) to the Customer Support Manager (CSM).

1.6.3. Contact the SSC in order to engage the Technical Support service, providing the necessary information for proper entitlement services. Including but not limited to the name of contact, name of customer, system ID number, site(s) in question, and brief description of the problem including pertinent information for initial issue characterization.

1.6.4. Maintain suitable trained technical resources that provide field maintenance and technical maintenance services to the system, and who are familiar with the operation of that system.

1.6.5. Supply suitably skilled and trained on-site presence when requested by the SSC.

1.6.6. Validate issue resolution prior to close of the Incident in a timely manner.

1.6.7. Acknowledge that Incidents will be handled in accordance with the times and priorities as defined in the Priority Level Definitions and in the Priority Level Response Time Goals section in this document.

1.6.8. Cooperate with Motorola and perform all acts that are reasonable or necessary to enable Motorola to provide the Technical Support

1.6.9 Obtain at Customer's cost all third party consents or licenses required to enable Motorola to provide the Service.

1.7 Priority Level Definitions

The following Priority level definitions will be used to determine the maximum response times of the Incidents:

Incident Priority	Definition
Critical	**Core:** Core server failures Core Link failure **Sites/Subsites:** Entire Simulcast Not Wide Trunking >= 33% of Sites/subsites down ○
High	- **Consoles:** Console positions down (>= 33%) Console Site Link Down - **Sites/Subsites:** < 33% of Sites/subsites down >= 33% of channels down - **Conventional Channels:** >= 50% of conventional channels (CCGW) down - **Devices:** Site Router/switch, GPS server down
Medium	**Consoles:** Console positions down (< 33% at a site) **Sites/Subsites**: < 33% of channels down **Conventional Channels:** - Less than 50% of conventional channel down
Low	**Minor events and warnings in the system** - Preventative & Planned Maintenance Activities (Scheduled Work)

1.8 Technical Support Priority Level Response Goals

The response times are based on the defined Incident Priority levels as follows:

Incident Priority	Response Time
Critical	A Motorola SSC Technician will make contact with the customer technical representative within one hour of the request for support being logged in the issue management system. Continual effort will be maintained to restore the system or provide a workaround resolution. Response provided 24 x 7.
High	A Motorola SSC Technician will make contact with the customer technical representative within four hours of the request for support being logged in the issue management system. Continual effort will be maintained to restore the system or provide a workaround resolution. Response provided 24 x 7.
Medium	A Motorola SSC Technician will make contact with the customer technical representative within four hours of the request for support being logged at the issue management system. Response provided 8 x 5 on standard business days, hours which is normally Monday through Friday 8AM to 5PM, excluding US Holidays.
Low	A Motorola SSC Technician will make contact with the customer technical representative within next business day of the request for support being logged at the issue management system. Response provided 8 x 5 on standard business days, which is normally Monday through Friday 8AM to 5PM, excluding US Holidays.

1.4 APPENDIX C: NETWORK HARDWARE REPAIR STATEMENT OF WORK

Motorola provides a hardware repair service for all of the Motorola and select third-party infrastructure equipment supplied by Motorola. The Motorola authorized Repair Depot manages and performs the repair of Motorola supplied equipment as well as coordinating the equipment repair logistics process.

1.1 Description of Services

Infrastructure components are repaired at a Motorola authorized Infrastructure Depot Operations (IDO). At Motorola's discretion, select third party Infrastructure may be sent to the original equipment manufacturer or third party vendor for repair.

1.2 Scope

Repair Authorizations are obtained by contacting the Solutions Support Center (SSC) which is available 24 hours a day, 7 days a week.

Repair authorizations can also be obtained online via Motorola Online at https://businessonline.motorolasolutions.com, under Repair Status/Submit Infrastructure RA.

1.3 Inclusions

Network Hardware Repair is available on Motorola sold communication systems which may include some aspect of third party hardware and software. Motorola will make a "commercially reasonable effort" to repair Motorola manufactured infrastructure products for seven years after product cancellation.

1.4 Exclusions

If infrastructure is no longer supported by Motorola, the original equipment manufacturer or a third party vendor, Motorola may return said equipment to the customer without repair or replacement. The following items are excluded from Network Hardware Repair:

1.4.1 All Motorola infrastructure hardware over seven (7) years from product cancellation date.

1.4.2. All Third party infrastructure hardware over two (2) years from product cancellation date.

1.4.3. All Broadband infrastructure over three (3) years from product cancellation date

1.4.4. Physically damaged infrastructure.

1.4.5. Third party equipment not shipped by Motorola

1.4.6 Consumable items including, but not limited to, batteries, connectors, cables, toner/ink cartridges, tower lighting, laptop computers, monitors, keyboards and mouse.

1.4.7 Video retrieval from Digital In-Car Video equipment.

1.4.8 Infrastructure backhaul such as, Antennas, Antenna Dehydrator, Microwave[1], Line Boosters, Amplifier, Data Talker Wireless Transmitter, Short haul modems, UPS[1]

1.4.9 Test equipment.

1.4.10. Racks, furniture and cabinets.

1.4.11. Firmware and/or software upgrades.

[1] Excluded from service agreements but may be repaired on an above contract, time and material basis. All UPS Systems must be shipped to IDO for repair. Note! Excludes batteries and on-site services

1.5 Motorola has the following responsibilities:

1.5.1 Enable Customer access to the Motorola call Center operational 24 hours a day, 7 days per week, to create requests for repair service.

1.5.2 Provide repair return authorization numbers when requested by Customer.

1.5.3 Receive malfunctioning infrastructure from Customer and document its arrival, repair and return.

1.5.4 Perform the following service on Motorola infrastructure:

1.5.4.1 Perform an operational check on the infrastructure to determine the nature of the problem.

1.5.4.2. Replace malfunctioning Field Replacement Units (FRU) or components.

1.5.4.3. Verify that Motorola infrastructure is returned to Motorola manufactured specifications, as applicable.

1.5.4.4 Perform a box unit test on all serviced infrastructure.

1.5.4.5 Perform a system test on select infrastructure.

1.5.5 Provide the following service on select third party infrastructure:

1.5.5.1 Perform pre-diagnostic and repair services to confirm infrastructure malfunction and eliminate sending infrastructure with no trouble found (NTF) to third party vendor for repair, when applicable.

1.5.5.2 Ship malfunctioning infrastructure components to the original equipment manufacturer or third party vendor for repair service, when applicable.

1.5.5.3 Track infrastructure sent to the original equipment manufacturer or third party vendor for service.

1.5.5.4 Perform a post-test after repair by Motorola, original equipment manufacturer, or third party vendor to confirm malfunctioning infrastructure has been repaired and functions properly in a Motorola system configuration, when applicable.

1.5.5.5 Re-program repaired infrastructure to original operating parameters based on software/firmware provided by customer as required by section 1.6.7. If the customer software version/configuration is not provided, shipping times will be delayed. If the Infrastructure repair depot determines that the malfunctioning infrastructure is due to a software defect, the repair depot reserves the right to reload infrastructure with a similar software version.

1.5.5.6 Properly package repaired infrastructure.

1.5.5.7 Ship repaired infrastructure to the customer specified address during normal operating hours of Monday through Friday 7:00am to 7:00pm CST, excluding holidays. FRU will be sent two-day air unless otherwise requested. Motorola will pay for such shipping, unless customer requests shipments outside of the above mentioned standard business hours and/or carrier programs, such as NFO (next flight out). In such cases, customer will be responsible for payment of shipping and handling charges.

1.6 The Customer has the following responsibilities:

1.6.1 Contact or instruct Servicer to contact the Motorola Solutions Support Center (SSC) and request a return authorization number prior to shipping malfunctioning infrastructure.

1.6.2 Provide model description, model number and serial number, type of system, software and firmware version, symptom of problem and address of site location for FRU or infrastructure.

1.6.3 Indicate if infrastructure or third party infrastructure being sent in for service was subjected to physical damage or lightning damage.

1.6.4 Follow Motorola instructions regarding inclusion or removal of firmware and software applications from infrastructure being sent in for service.

1.6.5 Provide customer purchase order number to secure payment for any costs described herein.

1.6.6 Properly package and ship the malfunctioning FRU, at customer's expense. Customer is responsible for properly packaging the malfunctioning infrastructure FRU to ensure that the shipped infrastructure arrives un-damaged and in repairable condition.

1.6.6.1 Clearly print the return authorization number on the outside of the packaging.

1.6.7 Maintain versions and configurations for software/applications and firmware to install repaired equipment.

1.6.8 Provide Motorola with proper software/firmware information to reprogram equipment after repair unless current software has caused this malfunction.

1.6.9 Cooperate with Motorola and perform all acts that are reasonable or necessary to enable Motorola to provide the infrastructure repair services to customer.

1.6.10 Obtain at Customer's cost all third party consents or licenses required to enable Motorola to provide the Service.

1.5 APPENDIX D: REMOTE SECURITY PATCH INSTALLATION STATEMENT OF WORK

To verify compatibility with your ASTRO 25 system, Motorola's Remote Security Patch Installation provides pre-tested 3rd party software (SW) security updates.

In addition to testing the security updates, Remote Security Patch Installation includes remote installation of the updates.

This Statement of Work ("SOW") is subject to the terms and conditions of Motorola's Professional Services Agreement, Service Agreement or other applicable agreement in effect between the parties ("Agreement"). Motorola and Customer may be referred to herein individually as a "Party or together as "Parties"

1.1 Description of Remote Security Patch Installation

Motorola shall maintain a dedicated vetting lab for each supported ASTRO 25 release for the purpose of pre-testing security updates. In some cases when appropriate, Motorola will make the updates available to outside vendors, allow them to test, and then incorporate those results into this offering. Depending on the specific ASTRO 25 release and customer options, these may include updates to antivirus definitions, OEM vendor supported Windows Workstation and Server operating system patches, Solaris and Red Hat Linux (RHEL) operating system patches, VMware ESXi Hypervisor patches, Oracle database patches, PostgreSQL patches, and patches for other 3rd party Windows applications such as Adobe Acrobat and Flash.

Motorola has no control over the schedule of releases. The schedule for the releases of updates is determined by the Original Equipment Manufacturers (OEMs), without consultation with Motorola. Antivirus definitions are released every week. Microsoft patches are released on a monthly basis. Motorola obtains and tests these updates as they are released. Other products have different schedules or are released "as-required." Motorola will obtain and test these OEM vendor supported updates on a quarterly basis.

1.2 Connectivity

To accommodate remote installation of security updates, a connection is required from Motorola to the customer ASTRO 25 network. There are two different options. 1) T1 line purchased and maintained by Motorola, or 2) The customer internet connection is used and a Virtual Private Network (VPN) is established between Motorola and the ASTRO 25 network. Since this relies on the customer internet connection, the customer is responsible for the availability of the connection.

Along with the connection itself, Motorola supplied hardware is required to be deployed to the customer premises on the ASTRO 25 network. Motorola shall load software, configure, and ship the hardware to the customer supplied contact for installation. This hardware and its maintenance is part of the connectivity service.

ASTRO 25 connectivity is ordered separately from Remote Security Patch Installation and has a separate statement of work. See that SOW for more detail on terms of the connection.

If connectivity is already established for a different service such as network or security monitoring then the same connection can be used for Remote Security Patch Installation. There is no need for a separate connection to be established.

1.3 Security Update Installation

Motorola shall push the tested security updates over the established connection. The timing and coordination with the customer of each update depends on the updates themselves. Motorola requires IP connectivity to all elements that are in scope for patching. If IP connectivity from Motorola is not available then those elements will not be considered for remote patching and will require alternative arrangements outside of the scope of this statement of work.

1.3.1 Antimalware Signature Update Installation

Antimalware signature updates are released often, but Motorola collects and tests them on a weekly basis. The updates are non-intrusive (for example, no reboots or manual configuration changes are required) and automatically implemented. Therefore, antimalware signature updates will be pushed within a week of testing without Customer coordination. An email will be sent to inform the Customer that the signatures have been updated.

1.3.2 Microsoft Windows Security Update Installation

Microsoft typically releases security updates every second Tuesday of the month (aka “Patch Tuesday”); however, selected security updates are sometimes released on other days, and it is possible that no security updates are released during a month. Security updates for some 3rd party Windows software (Non-Motorola and non-Microsoft applications that run on Windows, such as Adobe Reader and Flash) are also released on Patch Tuesday. The most recent Windows and 3rd party Windows security updates available will be acquired by Motorola on each Patch Tuesday. These patch security updates require at least one week for incorporation into the offering and a minimum of 36 hours for testing in the Motorola vetting labs, after which security updates with no issues are then released. Patches may be held back at the discretion of Motorola if they are found to cause any problems to features, performance or functionality and will only be released when the issues are fully resolved.

It is important to understand that it is often the case that after security updates are installed, Microsoft requires the patched computer to be rebooted before the security updates take full effect and vulnerabilities are mitigated. The clients include dispatch consoles and there is no way for Motorola to know when it is safe to reboot. The customer must reboot at a time chosen by them so as to not impact operations.

Once the security updates are vetted, Motorola will start pushing the updates to the customer without customer coordination or notification. An email will be sent requesting that the clients be rebooted. It is the customer’s responsibility to reboot all of the clients before the next set update is sent. When preparing for the next month’s push of security updates, Motorola will first scan to verify all of the previous updates were implemented and if any computer has not been rebooted. Motorola will send an email requesting that the remaining computers be rebooted before any new updates are pushed.

1.3.3 Microsoft Windows Security Updates Outside ASTRO 25 Firewalls

Connections to other networks (from now on referred to as Customer Enterprise Network, or CEN) must be delineated by firewalls. All updates deployed by Remote Security Patch Installation are specific to equipment inside the ASTRO 25 Radio Network with only the following exceptions: Key Management Facility (KMF), Text messaging Services (TMS) and advanced Messaging Services (AMS) and MCC 7100 consoles. In these exceptions, the customer has a choice of including these machines in the Remote Security Patch Installation service, or including them in their own IT security patch procedures.

The KMF, TMS, and AMS are all outside the firewall (relative to the Radio Network) and therefore updates require that the firewall be opened. The default for Remote Remote Security Patch Installation is that these functions are included.

The MCC 7100 console may be directly on the radio network or in the CEN. Any MCC 7100 on the radio network would simply be included in the standard Remote Security Patch Installation offering. However, the MCC 7100 may also be located in the CEN and connected through a VPN to a firewall at a dispatch location. In this case the default for Remote Security Patch Installation is to not update these consoles.

If the customer requires inclusion for the CEN based MCC 7100 consoles, then they must contact their Customer Service Manager and make a formal request. They must also consent to allow Motorola to open the firewall to allow access for updates.

1.3.4 Quarterly Security Update Installation

The quarterly patch updates are for Solaris and Red Hat Linux (RHEL) operating systems, and VMWare ESXi hypervisor (virtualization). They are tested and released on a quarterly basis, at end of March, June, September, and December. Motorola will schedule installation of the updates with the customer in the first weeks of the following quarter. Motorola will send the customer an ITIL with details on the upgrade and scheduling for each of the events.

These updates are intrusive and require customer coordination. Examples of how they affect the customer include reboots to implement the patches and rolling (switching from one zone controller to the other) of the zone controllers. Systems with redundant zone controllers (L2, M2, M3) have low downtime (minutes) as the zone controllers are rolled, but systems with single zone controllers (L1, M1) will be down for longer periods. During these times, the system will be in “Site trunking” mode. It is up to the customer to understand the operational impacts and to coordinate these events with users.

This effort will be done during standard business hours, or 8am to 5pm CST. Customers requesting that downtime be during non-standard hours must submit an official request through their CSM. The ITIL will show work being done during standard hours such as prep work, downloading of the patches to memory, etc and the actual reboots or ZC rollover will be initiated when requested. Additional remote work will proceed the next day during standard hours.

Motorola System Enhancement Releases (“SERs”) and Field Service Bulletins (“FSB’s) are not part of this service. However in some instances, these fixes

must be done to allow the latest security patches. If it is possible for the specific required FSB to be installed remotely, then Motorola will include it as part of Remote Security Patch Installation. Otherwise, Motorola will communicate this to the customer and the patches that cannot be delivered. The Customer and their CSM will determine how to get the SER or FSB installed. Once the SER or FSB appears on the system, Remote Security Patch Installation will then install the affected patches.

For minimal downtime and to avoid redundant efforts, the customer should coordinate any maintenance or other updates such as FSB's and SER's with Motorola.

1.4 Scope

Remote Security Patch Installation supports the currently shipping Motorola ASTRO 25 System Release (SR) and strives to support five (5) releases prior. Motorola reserves the right to adjust which releases are supported as business conditions dictate. Contact your Customer Service Manager for the latest supported releases.

Remote Security Patch Installation is available for any L or M core system in a supported release. Remote Security Patch Installation is not available for K cores.

Systems that have non-standard configurations that have not been certified by Motorola Systems Integration and Testing (SIT) are specifically excluded from this Service unless otherwise agreed in writing by Motorola. Service does not include pre-tested intrusion detection system (IDS) updates for IDS solutions. Certain consoles, MOTOBRIDGE, MARVLIS, Symbol Equipment, AirDefense Equipment, AVL, Genesis, WAVE and Radio Site Security products are also excluded. Motorola will determine, in its sole discretion, the third party software that is supported as a part of this offering.

1.5 Motorola has the following responsibilities:

1.5.1 Obtain relevant third party software ("SW") security updates as made available from the OEM's. This includes antivirus definition updates, operating systems patches, hypervisor patches, database patches, and selected other third party patches that Motorola deployed in ASTRO 25 system releases covered by this Remote Security Patch Installation. Motorola does not control when these updates are released, but as much as possible vet the updates on this schedule:

McAfee Antivirus definitions– Weekly

Windows OS updates – Monthly

Solaris, RHEL OS, VMware ESXi updates – Quarterly

1.5.2 Each assessment of relevant third party SW will take at least one week to incorporate the security updates into the Remote Security Patch service and 36 additional hours of examination time to evaluate the impact each update has on the system.

1.5.3 Perform rigorous testing of updates to verify whether they degrade or compromise system functionality on a dedicated ASTRO 25 test system with standard supported configurations.

1.5.4 Address any issues identified during testing by working as necessary with Motorola selected commercial supplier(s) and/or Motorola product development engineering team(s). If a solution for the identified issues cannot be found, the patch will not be posted on Motorola's site.

1.5.5 Pre-test STIG recommended remediation when applicable.

1.5.6 Release all tested updates to Motorola's secure extranet site.

1.5.7 Coordinate updates with customer as outlined in section 1.

1.5.8 In the event that no updates are released by the OEM's during the usual time period, Motorola will send a notice that no new patches were sent.

1.5.9 Notify customer of update releases by email.

1.5.10 A supported Remote Security Patch Installation ASTRO 25 release matrix will be kept on the extranet site for reference.

1.6 The Customer has the following responsibilities:

1.6.1 This service requires connectivity from Motorola to the customer's ASTRO 25 system. This connectivity must be established prior to service start.

1.6.2 Maintain IP connectivity from Motorola to all elements in the system that require remote patching.

1.6.3 Provide Motorola with pre-defined information (customer contacts, system information, etc) prior to contract start date necessary to complete a Customer Support Plan (CSP).

1.6.4 Submit changes in any information supplied in the Customer Support Plan (CSP) to the Customer Support Manager (CSM).

1.6.5 Upgrade system to a supported system release as necessary to continue service.

1.6.6 Refrain from making uncertified changes of any type to the system.

1.6.7 Adhere closely to the System Support Center (SSC) troubleshooting guidelines provided upon system acquisition. A failure to follow SSC guidelines may cause the customer and Motorola unnecessary or overly burdensome remediation efforts. In such Incident, Motorola reserves the right to charge an additional service fee for the remediation effort.

1.6.8 Comply with the terms of the applicable software license agreement(s) between the Customer and Motorola and non-Motorola software copyright owner.

1.6.9. Obtain at Customer's cost all third party consents or licenses required to enable Motorola to provide the Service.

1.6.10 Upon successful installation of patches on windows clients (e.g. Dispatch Ops Position, NM Client, etc.) and receiving notification indicating the

task has been successfully executed by Motorola, affected computers must be rebooted by the customer within 72 hours.

1.6.11 Understand downtime implications associated with reboots and patch activities and internally coordinate with users as necessary.

1.7 Disclaimer:

Motorola disclaims any and all warranties with respect to pre-tested antivirus definitions, database security updates, hypervisor patches, operating system software patches, intrusion detection sensor signature files, or other 3rd party files, express or implied. Further, Motorola disclaims any warranty concerning the non-Motorola software and does not guarantee that customer's system will be error-free or immune to security breaches as a result of these services.

1.6 APPENDIX E: ONSITE SUPPORT STATEMENT OF WORK

Motorola's OnSite Support service provides Incident management and escalation for onsite technical service requests. The service is delivered by the Motorola's Solutions Support Center (SSC) in conjunction with a local service provider. The SSC is responsible for opening an Incident for onsite support and monitoring the status of that Incident to maintain response time conformance.

The terms and conditions of this Statement of Work (SOW) are an integral part of Motorola's Service Agreement or other applicable agreement to which it is attached and made a part thereof by this reference.

Description of Services

The Motorola SSC will receive customer request for OnSite service provider and dispatch a servicer. The servicer will respond to the customer location based on pre-defined Priority Levels set forth in Priority Level Definitions table and Response times set forth in Priority Level Response Time Goals table in order to restore the system.

Motorola will provide an Incident management as set forth herein. The SSC will maintain contact with the on-site Motorola Service Shop until system restoral and Incident closure. The SSC will continuously track and manage Incidents from creation to close through an automated Incident tracking process.

1.1 Scope

OnSite Support is available 24 hours a day, 7 days a week in accordance with Priority Level Definitions and Priority Level Response Time Goals tables.

1.2 Inclusions

Onsite Support can be delivered on Motorola-sold infrastructure.

2.0 Motorola has the following responsibilities:

2.1. Receive service requests.

2.2. Create an Incident as necessary when service requests are received. Gather information to characterize the issue, determine a plan of action and assign and track the Incident to resolution.

2.3. Dispatch a field servicer ("Servicer") as required by Motorola's standard procedures and provide necessary Incident information.

2.4. Provide the required personnel access to relevant customer information as needed.

2.5. Servicer will perform the following on-site:

2.6. Run diagnostics on the Infrastructure or Field Replacement Units (FRU).

2.7. Replace defective Infrastructure or FRU, as supplied by customer.

2.8. Provide materials, tools, documentation, physical planning manuals, diagnostic/test equipment and any other requirements necessary to perform the maintenance service.

2.9. If a third party vendor is needed to restore the system, the Servicer may accompany that vendor onto the customer's premises.

2.10. Verify with customer that restoration is complete or system is functional, if required by customer's repair verification in the Customer Support Plan. If verification by customer cannot be completed within 20 minutes of restoration, the Incident will be closed and the Servicer will be released.

211. Escalate the Incident to the appropriate party upon expiration of a response time.

2.12. Close the Incident upon receiving notification from customer or servicer, indicating the Incident is resolved.

2.13. Notify customer of Incident status as defined by the Customer Support Plan:

2.13.1 Open and closed; or

2.13.2 Open, assigned to the servicer, arrival of the servicer on-site, deferred or delayed, closed.

2.14. Provide Incident activity reports to customer if requested.

3.0 Customer has the following responsibilities:

3.1. Contact Motorola, as necessary, to request service.

3.2. Provide Motorola with the following pre-defined customer information and preferences prior to start date necessary to complete Customer Support Plan (CSP):

3.2.1. Incident notification preferences and procedure.

3.2.2. Repair verification preference and procedure.

3.2.3. Database and escalation procedure forms.

3.2.4. Submit changes in any information supplied in the CSP to the Customer Support Manager (CSM).

3.3. Provide the following information when initiating a service request:

3.3.1. Assigned system ID number.

3.3.2. Problem description and site location.

3.3.3. Other pertinent information requested by Motorola to open an Incident.

3.4. Allow Servicers access to equipment.

3.5. Supply infrastructure or FRU, as applicable, in order for Motorola to restore the system.

3.6. Maintain and store in an easily accessible location any and all software needed to restore the system.

3.7. Maintain and store in an easily accessible location proper system backups.

3.8 For E911 systems, test the secondary/backup Public Safety Answering Point (PSAP) connection to be prepared in the event of a catastrophic failure of a system. Train appropriate personnel on the procedures to perform the function of switching to the backup PSAP.

3.9 Verify with the SSC that restoration is complete or system is functional, if required by repair verification preference provided by customer.

3.10. Cooperate with Motorola and perform all acts that are reasonable or necessary to enable Motorola to provide these services.

3.11. Obtain and provide applicable third party consents or licenses at Customer cost to enable Motorola to provide the Services.

4.0 **Priority Level Definitions**

The following Priority level definitions will be used to determine the maximum response times:

Incident Priority	Definition
Critical	**Core:** Core server failures Core Link failure **Sites/Subsites:** Entire Simulcast Not Wide Trunking >= 33% of Sites/subsites down ○
High	- **Consoles:** Console positions down (>= 33%) Console Site Link Down - **Sites/Subsites:** < 33% of Sites/subsites down >= 33% of channels down - **Conventional Channels:** >= 50% of conventional channels (CCGW) down - **Devices:** Site Router/switch, GPS server down
Medium	**Consoles:** Console positions down (< 33% at a site) **Sites/Subsites**: < 33% of channels down **Conventional Channels:** - Less than 50% of conventional channel down
Low	**Minor events and warnings in the system** - Preventative & Planned Maintenance Activities (Scheduled Work)

5.0 Onsite Support Priority Level Response Time Goals

(Customer's Response Time Classification is designated in the Customer Support Plan.)

Incident Priority Level	Standard Response Time
Critical	Within 4 hours from receipt of notification continuously
High	Within 4 hours from receipt of notification continuously
Medium	Within 8 hours from receipt of notification Standard Business Day, Hours(8-5pm local time)
Low	Within 12 hours from receipt of notification Standard Business Day, Hours(8-5pm local time)

* Premier Response is an option that can be purchased, it provides a 2-hour response time for Critical /High Priority Incidents (as applicable)

1.7 APPENDIX F: ANNUAL PREVENTIVE MAINTENANCE STATEMENT OF WORK

The terms and conditions of this Statement of Work (SOW) are an integral part of Motorola's Service Agreement or other applicable agreement to which it is attached and made a part thereof by this reference.

Annual Preventative Maintenance will provide annual operational tests on the customer's infrastructure equipment (Infrastructure or Fixed Network Equipment or "FNE") to monitor the Infrastructure's conformance to specifications, as set forth in the applicable attached Exhibit(s), all of which are hereby incorporated by this reference.

1.1 Scope

Annual Preventive Maintenance will be performed during standard business hours (unless otherwise agreed to in writing). If the system or Customer requirements dictate this service must occur outside of standard business hours, an additional quotation will be provided. Customer is responsible for any charges associated with unusual access requirements or expenses.

1.2 Inclusions

Annual Preventive Maintenance service will be delivered on Motorola sold infrastructure including integrated 3rd party products per the level of service as defined in Table 1.

1.3 Limitations and Exclusions

Unless specifically called out in Table 1, the following activities are outside the scope of the Annual Preventive Maintenance service, however, can be included as optional services that are available to Annual Preventive Maintenance customers at an additional cost:

1.3.1. Emergency on-site visits required to resolve technical issues.

1.3.2. Third party support for equipment not sold by Motorola as part of the original system.

1.3.3. System installations, upgrades, and expansions.

1.3.4. Customer training.

1.3.5. Hardware repair and/or exchange.

1.3.6. Network security services.

1.3.7. Network transport.

1.3.8. Information Assurance.

1.3.9. Motorola services not included in this statement of work.

1.3.10. Any maintenance required as a result of a virus or unwanted intrusion is excluded if the system is not protected against these security threats by Motorola's Pre-tested Security Update Service when applicable.

1.3.11. Tower climbs, tower mapping analysis or tower structure analysis

1.4 Motorola has the following responsibilities:

1.4.1. Notify the customer of any planned system downtime needed to perform this Service.

1.4.2. Advise customer of issues that may require attention.

1.4.3. Maintain communication with the customer as needed until completion of the Annual Preventive Maintenance.

1.4.4. Determine, in its sole discretion, when an Incident requires more than the Annual Preventive Maintenance services described in this SOW and notify customer of an alternative course of action.

1.4.5. Provide customer with a report documenting system performance against expected parameters along with recommended actions. Time allotment for report completion TBD.

1.4.6. Provide trained and qualified personnel with proper security clearance required to complete Annual Preventive Maintenance services.

1.5 The Customer has the following responsibilities:

1.5.1. Provide preferred schedule for Annual Preventative Maintenance to Motorola.

1.5.2. Authorize and acknowledge any scheduled system downtime.

1.5.3. Maintain periodic backup of databases, software applications, and firmware.

1.5.4. Establish and maintain a suitable environment (heat, light, and power) for the equipment location and provide Motorola full, free, and safe access to the equipment so that Motorola may provide services. All sites shall be accessible by standard service vehicles.

1.5.5. Submit changes in any information supplied in the Customer Support Plan (CSP) to the Customer Support Manager (CSM).

1.5.6. Provide site escorts in a timely manner if required.

1.5.7. Provide Motorola with requirements necessary for access to secure facilities.

1.5.8. Obtain at Customer's cost all third party consents or licenses required to enable Motorola to provide the Service

1.6 The Servicer has the following responsibilities:

1.6.1.Perform the Preventive Maintenance tasks as set forth in Table 1 at the level of service the customer has purchased.

1.6.2.Perform the Site Performance Verification Procedures in Table 2 for each site type on the system.

PRIME SITE CHECKLIST - LEVEL 1	
Equipment Alarms	Check LED and/or other status indicators for fault conditions.
Clean Fans and Equipment	Use antistatic vacuum to clean cooling pathways
COMPARATORS	
Equipment Alarms	Verify no warning/alarm indicators.
Capture Diags	Perform recommended diagnostic tests based on server type. Capture available diagnostic logs.
Clean Fans and Equipment	Use antistatic vacuum to clean cooling pathways

DISPATCH SITE CHECKLIST - LEVEL 1	
GENERAL	
Inspect all Cables	Inspect all cables/connections to external interfaces are secure
Mouse and Keyboard	Verify operation of mouse and keyboard
Configuration File	Verify each operator position has access to required configuration files
Console Op Time	Verify console op time is consistent across all ops
Screensaver	Verify screensaver set as customer prefers
Screen Performance	Verify screen operational/performance
Touchscreen	Verify touchscreen operation (if applicable)
Cabling/Lights/Fans	Visual inspection of all equipment - cabling/ lights/ fans
Filters/Fans/Dust	Clean any filters/ fans/ dust- all equipment
Monitor and Hard Drive	Confirm monitor and hard drive do not "sleep"
DVD/CD	Verify / clean DVD or CD drive
Time Synchronization	Verify console time is synchronized with NTP server
Anti-Virus	Verify anti-virus is enabled and that definition files are up to date (within two weeks of current date)
HEADSET UNPLUGGED TESTING	
Speakers	Test all speakers - audio quality, volume, static, drop-outs, excess hiss when turned up.
Channel Audio in Speaker	Verify selected channel audio in select speaker only.
Footswitch Pedals	Verify both footswitch pedals operational
Radio On-Air Light	Verify radio on air light comes on with TX (if applicable)
HEADSET PLUGGED IN TESTING	
Radio TX and RX	Verify radio TX/RX from both headset jacks. Verify levels OK. Check volume controls for noise/static or drop-outs.
Speaker Mute	Verify select speaker muted.

DISPATCH SITE CHECKLIST - LEVEL 1	
Telephone Operation	Verify telephone operational through both headset jacks. Check volume controls for noise/static or drop-outs.
Audio Switches	Verify select audio switches to speaker when phone off-hook. (if interfaced to phones)
Radio Takeover in Headset	Verify radio-takeover in headset mic when phone off-hook (mic switches to radio during PTT and mutes to phone).
OTHER TESTS	
Phone Status Light	Verify phone status light comes on when phone off-hook (if applicable)
Desk Microphone Operation	Confirm desk mic operation (if applicable)
Radio IRR Operation	Verify radio IRR operational (if applicable) on MOT dispatch
Telephone IRR Operation	Verify telephone [if on radio computer] IRR operational (if applicable) on MOT dispatch
Recording	Verify operator position being recorded on long term logging recorder (if applicable) if included in service agreement
COMPUTER PERFORMANCE TESTING	
Computer Reboot	Reboot op position computer
Computer Operational	Confirm client computer is fully operational (if applicable)
AUDIO TESTING	
Conventional Resources	Confirm all conventional resources are functional with adequate audio levels and quality
Secure Mode	Confirm any secure talkgroups are operational in secure mode
Trunked Resources	Confirm all trunked resources on screen are functioning by placing a call in both directions (at the customer's discretion) and at a single op position
Backup Resources	Confirm backup resources are operational
EQUIPMENT ROOM TESTS	
Recording - AIS Test	Verify audio logging of trunked calls
Recording	Test op position logging on analog recorder (with customer assistance)
System Alarms	Review alarm system on all equipment for errors
Capture Diags	Perform recommended diagnostic tests based on equipment. Capture available diagnostic logs.
Verify System SW CD's	Perform audit of software media on site. Versions, KC numbers, types, etc.
PLAYBACK STATION (Motorola Provided)	

1.8 APPENDIX G: NETWORK UPDATES STATEMENT OF WORK

This Statement of Work ("SOW") is subject to the terms and conditions of Motorola's Professional Services Agreement, Service Agreement or other applicable agreement in effect between the parties ("Agreement"). Motorola and Customer may be referred to herein individually as a "Party" or together as "Parties".

1.0 Description of Service

As network updates become available, Motorola agrees to provide the customer with applicable software/hardware updates and implementation services necessary to maintain their ASTRO25 system at an exceptional level of support.ASTRO25 system software/hardware updates improve system functionality/operation and extend the useful life of the network.

1.2 Scope

This service includes 3rd Party and Motorola solutions Software as well as select hardware to maintain supportability. All updates are pretested and certified in a dedicated ASTRO25 test lab to ensure that they are compatible and do not interfere with ASTRO25 network functionality. Network updates may also include feature enhancements. At Motorola's option, feature enhancements may be offered for purchase.

1.3 Software/Hardware under the Agreement

The ASTRO25 software covered under this agreement include:

- Base stations
- Site controllers
- Comparators
- Routers
- LAN switches
- Servers
- Dispatch consoles
- Logging equipment
- Network management terminals
- Network Fault Management ("NFM") products
- Network security devices such as firewalls and intrusion detection sensors
- Associated peripheral infrastructure software

1.3.1. Motorola Solution will provide certified hardware version updates necessary to refresh the system with an equivalent level of functionality. Any hardware versions and/or replacement hardware required to support new features or those not specifically required to maintain existing functionality are not included. Unless otherwise stated, platform migrations are not included.

1.3.2. If originally provided by Motorola, the following hardware components are eligible hardware for refresh when necessary to maintain the system functionality in place at the time this agreement was executed:

- Servers
- PC Workstations
- Routers
- LAN Switches

1.3.3. If originally provided by Motorola, the following hardware components are eligible for board-level refreshes when necessary to maintain the system functionality in place at the time this agreement was executed. A “board-level refresh” is defined as any Field Replaceable Unit (“FRU”) for the products listed below:

- GTR 8000 Base Stations
- GCP 8000 Site Controllers
- GCM 8000 Comparators
- MCC 7500 Console Operator Positions
- STR 3000 Base Stations
- Quantar Base Stations
- ASTROTAC Comparators
- PSC 9600 Site Controllers
- PBX Switches for Telephone Interconnect
- NFM/NFM XC/MOSCAD RTU

1.3.4. The parties agree that this agreement only covers those items expressly stated above. There is no coverage on any additional software or hardware products unless specifically described in this agreement. Motorola may, at its sole discretion, choose to include coverage for other items. Refer to section 1.6 for exclusions and limitations.

1.3.5. Motorola will provide implementation services necessary to install the system software and hardware updates. Any implementation services that are not directly required to support the network updates are not included. Unless otherwise stated, implementation services necessary for system expansions, platform migrations, and/or new features or functionality that are implemented concurrent with the system refresh are not included.

1.3.6. Motorola agrees to provide the necessary software design and technical resources necessary to complete the network updates.

1.3.7. The pricing in this agreement is based on the system configuration outlined in the System Pricing Configuration. This configuration is to be reviewed annually from the contract effective date. Any change in system configuration may require a price adjustment to this agreement.

1.3.8. This agreement applies only to system release version within the ASTRO25 7.X platform.

1.3.9. Motorola will issue Software Maintenance Agreement (“SMA”) bulletins on an annual basis and post them in soft copy on a designated extranet site for Customer access.

1.3.10. Any maintenance required as a result of a virus or unwanted intrusion is excluded if the system is not protected against these security threats by Motorola's Pre-tested Security Update Service when applicable. Standard and optional features for a given ASTRO 25 system release are listed in the SMA bulletin.

1.3.11. Coverage Continuity. The parties agree that this agreement requires continuous coverage beginning within (90) days after system acceptance. Beyond (90) days from system acceptance or if payments are discontinued, additional payment(s) will be necessary to cover the period for which coverage was discontinued or delayed. The total of payments for lapses in coverage will not exceed 3 years.

1.4 **Motorola has the following responsibilities:**

1.4.1. Identify and Communicate with the customer the scope of network updates as they become available.

1.4.2. Work with the customer to schedule applicable network updates.

1.4.3. Assign the program management support required to perform network updates as necessary.

1.4.4. Assign field installation resources required to perform network updates as necessary.

1.4.5. Assign Centralized engineering resources required to perform network updates as necessary.

1.4.6. Install network updates.

1.4.7. Deliver Impact and change management training as necessary.

1.4.8. Perform appropriate system backups.

1.4.9. Work with the customer to validate that all system maintenance is current.

1.4.10. Deliver post update implementation training to the customer as needed.

1.4.11. Validate all system update deliverables are complete.

1.4.12. Obtain completion sign off from the customer.

1.5 The Customer has the following responsibilities:

1.5.1. Contact Motorola to schedule and engage the appropriate Motorola resources.

1.5.2. Customer will allow the permanent installation of a server which will be connected to Motorola and will be used for system auditing, software uploads and software update installation.

1.5.3. Asset in site walks of the system during the system audit when necessary.

1.5.4. Provide a list of any FRUs and or spare hardware to be included in the network updates when applicable.

1.5.5. Purchase any additional hardware /software necessary to implement optional system features or system expansions.

1.5.6. Provide or Purchase labor to implement optional system features or system expansions.

1.5.7. Participate in impact/Change management Training as necessary.

1.5.8. Inform system users of system updates and scheduled system downtime if necessary.

1.5.9 Cooperate with Motorola to provide post update implementation training as needed.

1.5.10 Provide Motorola with a completion sign off.

1.7 Exclusions and Limitations

The parties agree that Systems that have non-standard configurations that have not been certified by Motorola Systems Integration Testing are specifically excluded from this agreement unless otherwise agreed in writing by Motorola and included in this SOW.

1.7.1. This agreement does not cover any hardware or software supplied to the Customer when purchased directly from a third party, unless specifically included in this SOW.
1.7.2. This agreement does not cover software support for unauthorized modifications or other misuse of the covered software.
1.7.3. Updates for equipment add-ons or expansions during the term of this ASTRO 25 agreement are not included in the coverage of this SOW unless otherwise agreed to in writing by Motorola and Customer.

1.8 Special Provisions

The coverage and the parties' responsibilities described in this Statement of Work will automatically terminate if Motorola no longer supports the ASTRO 25 7.x software version in the Customer's system or discontinues this agreement; in either case, Motorola will refund to Customer any prepaid fees for services applicable to the terminated period.

1.9 High Speed Connectivity Specifications

1.9.1. The Minimum supported link between the core and he zone is a full T1.

1.9.2. Any link must realize or a sustain transfer rate of 17Kbps/1.4 Mbps or better bi directional.

1.9.3. Interzone Links must be fully operational when present

1.9.3. Link Reliability must satisfy these minim QoS levels:

- Port availability must meet or exceed 99.9% (three nines)
- Round trip network delay must be 100 ms or less between the core and satellite (North America) and 400 ms or less for international links o Packet loss shall be no greater than 0.3%
- Network jitter shall be no greater than 2 ms.

1.9.4. The network requirements above are based on the SLA provided for sprint dedicated IP services as of April 2012. It is possible that other vendors may not be able to meet this exact SLR, so these case must be examined on a case by case basis.

System Pricing Configuration – This configuration is to be reviewed annually from the contract effective date. Any change in the system configuration may require a price adjustment.

CORE	
Master Site Configuration	0
Zones in Operation(DSR/Dark Master site)	0
Zone Features: I&D, TDMA,Telephone Interconnect,CNI,HPD,IA,POP25, Text Messaging, Outdoor Location, ISSI 8000, Infovista,KMF/OTAR.	0
RF SYSTEM	
Voice RF Sites/Simulcast Sites(Including Prime sites)	0
Repeater/Stations(FDMA)	0
Repeater/Stations(TDMA)	0
HPD RF Sites	0
HPD Stations	
DISPATCH CONSOLE SYSTEM	
Dispatch Sites	1
MCC7500 Operator Positions(VPM)	4
Conventional Channel Gateways(CCGW)	2
Conventional Site Controller(GCP 8000)	0
LOGGING SYSTEM	
Number of AIS Servers	0
Number of Voice Logging Recorder	0
Number of Logging Replay Clients	0

NETWORK MANAGEMENT/MOSCAD NFM	
Number of NM Clients	0
Number of Fault Management Clients/NFM Clients	0
Number of Fault Management RTUs	0
Number of NM Clients	0

1.9 APPENDIX H: NETWORK HARDWARE REPAIR WITH ADVANCED REPLACEMENT OVERVIEW

Network Hardware Repair with Advanced Replacement is a repair exchange service for Motorola and select third party infrastructure supplied by Motorola. When available, Motorola will provide customer with an advanced replacement unit(s) or Field Replacement Units (FRU's) in exchange for customer's malfunctioning equipment. Malfunctioning equipment will be evaluated and repaired by the infrastructure repair depot and returned to depot's FRU inventory upon completion of repair. For customers who prefer to maintain their existing FRU inventory they have an option to request a "Loaner" FRU while their unit is being repaired. Refer to the Advanced Exchange or Loaner Decision Process flowchart for details on the loaner process.

The Motorola authorized repair depot manages and performs the repair of Motorola supplied equipment as well as coordinating the equipment repair logistics process.

The terms and conditions of this Statement of Work (SOW) are an integral part of Motorola's Service Agreement or other applicable agreement to which it is attached and made a part thereof by this reference.

1.0 Description of Services

Infrastructure components are repaired at a Motorola authorized Infrastructure Depot Operations (IDO). At Motorola's discretion, select third party infrastructure may be sent to the original equipment manufacturer or third party vendor for repair.

1.1 Scope

Repair authorizations are obtained by contacting the Solutions Support Center which is available 24 hours a day, 7 days a week. Repair authorizations can also be obtained online via Motorola Online at under Repair Status/Submit Infrastructure RA.

Motorola Online: https://businessonline.motorolasolutions.com

1.2 Inclusions

Network Hardware Repair with Advanced Replacement is available on Motorola sold infrastructure including integrated 3rd party products. Motorola will make a "commercially reasonable effort" to repair Motorola manufactured infrastructure products for seven (7) years after product cancellation.

1.3 Exclusions

If infrastructure is no longer supported by either Motorola, the original equipment manufacturer or a third party vendor, as applicable Motorola may return said equipment to the customer without repair or replacement. The following items are excluded from Network Hardware Repair with Advanced Replacement:

1.3.1 All Motorola infrastructure hardware over seven (7) years from product cancellation date.

1.3.2. All third party infrastructure hardware over three (3) years from product cancellation date.

1.3.3 All broadband infrastructure three (3) years from product cancellation date

1.3.4 Physically damaged infrastructure.

1.3.5 Third party equipment not shipped by Motorola.

1.3.6 Consumable items including, but not limited to, batteries, connectors, cables, toner/ink cartridges, tower lighting, laptop computers, monitors, keyboards and mouse.

1.3.7 Video retrieval from digital in-car video equipment.

1.3.8 Infrastructure backhaul such as, Antennas, Antenna Dehydrator, Microwave[1], Line Boosters, Amplifier, Data Talker Wireless Transmitter, Short haul modems, UPS[1]

1.3.9 Test equipment.

1.3.10. Racks, furniture and cabinets.

1.3.11. Non-standard configurations, customer-modified infrastructure and certain third party infrastructure are excluded from advanced replacement service.

1.3.11. Firmware and/or software upgrades.

[1] Excluded from service agreements but may be repaired on an above contract, time and material basis. All UPS Systems must be shipped to IDO for repair. Excludes batteries and any on-site services.

1.4 Motorola has the following responsibilities:

1.4.1 Enable customer access to the Motorola call center which is operational 24 hours a day, 7 days per week, to create requests for advanced replacement service.

1.4.2. Use commercially reasonable efforts to maintain FRU inventory on supported platforms.

1.4.3. Provide new or reconditioned FRU's to the customer, upon request and subject to availability. The FRU will be of similar equipment and version, and will contain equivalent boards and chips, as the customer's malfunctioning FRU.

1.4.4. Load firmware/software for equipment that requires programming. The software version information must be provided for the replacement FRU to be programmed accordingly. If the customer software version/configuration is not provided, shipping times will be delayed.

1.4.5 Package and ship Advance Exchange FRU from the FRU inventory to customer specified address.

1.4.5.1. During normal operating hours of Monday through Friday 7:00am to 7:00pm CST, excluding holidays, FRU will be shipped from Motorola as soon as possible depending on stock availability and configuration requested. Motorola will pay for the shipping to the customer, unless customer requests shipments outside of standard business hours and/or carrier programs, such as weekend or next flight out (NFO) shipment. In such cases, customer will be responsible for shipping and handling charges.

1.4.5.2. When sending the advanced replacement FRU to customer, provide a return air bill in order for customer to return the customer's malfunctioning FRU. The customer's malfunctioning FRU will become property of the Motorola repair depot or select third party and the customer will own the advanced replacement FRU.

1.4.5.3. When sending a loaner FRU to customer, Motorola will pay for outbound shipping charges. Inbound shipping to Motorola for repair is the responsibility of the customer. Motorola will repair and return the customer's FRU and will provide a return air bill for the customer to return IDO's loaner FRU. Refer to Advanced Exchange or Loaner Decision Process flowchart for the loaner process and Shipping Charges for shipping charge detail.

1.4.6. Provide repair return authorization number upon customer request for Infrastructure that is not classified as an advanced replacement or loaner FRU.

1.4.7. Provide a repair Return Authorization (RA) number so that the returned FRU can be repaired and returned to FRU stock.

1.4.8. Receive malfunctioning FRU from Customer, carry out repairs and testing and return it to the FRU stock

1.4.9. Receive malfunctioning infrastructure from customer and document its arrival, repair and return.

1.4.10. Perform the following service on Motorola infrastructure:

1.4.10.1. Perform an operational check on the infrastructure to determine the nature of the problem.

1.4.10.2. Replace malfunctioning Field Replacement Units (FRU) or components.

1.4.10.3. Verify that Motorola infrastructure is returned to Motorola manufactured specifications, as applicable

1.4.10.4. Perform a box unit test on all serviced infrastructure.

1.4.10.5. Perform a system test on select infrastructure.

1.4.11. Provide the following service on select third party infrastructure:

1.4.11.1. Perform pre-diagnostic and repair services to confirm infrastructure malfunction and eliminate sending infrastructure with no trouble found (NTF) to third party vendor for repair, when applicable.

1.4.11.2. Ship malfunctioning infrastructure components to the original equipment manufacturer or third party vendor for repair service, when applicable.

1.4.11.3. Track infrastructure sent to the original equipment manufacturer or third party vendor for service.

1.4.11.4. Perform a post-test after repair by Motorola, to confirm malfunctioning infrastructure has been repaired and functions properly in a Motorola system configuration, when applicable.

1.4.12. For loaner equipment, Motorola will ship repaired infrastructure to the customer specified address during normal operating hours of Monday through Friday 7:00am to 7:00pm CST, excluding holidays. FRU will be sent two-day air unless otherwise requested. Motorola will pay for such shipping, unless customer requests shipments outside of the above mentioned standard business hours and/or carrier programs, such as NFO (next flight out). In such cases, customer will be responsible for payment of shipping and handling charges.

1.5 The Customer has the following responsibilities:

1.5.1 Contact or instruct Servicer to contact the Motorola Solutions Support Center (SSC) and request a return authorization number prior to shipping malfunctioning infrastructure or third party infrastructure named in the applicable attached exhibit.

1.5.2 Provide model description, model number and serial number, type of system and firmware version, software options, symptom of problem and address of site id for FRU or infrastructure.

1.5.3 Indicate if FRU or third party FRU being sent in for service was subjected to physical damage or lightning damage.

1.5.4 Follow Motorola instructions regarding inclusion or removal of firmware and software applications from infrastructure being sent in for service.

1.5.5 Provide customer purchase order number to secure payment for any costs described herein.

1.5.6. Pay for shipping of Advanced Replacement or Loaner FRU from Motorola repair depot if customer requested shipping outside of standard business hours or carrier programs set forth in section 1.5.5.1. See Shipping Charges.

1.5.7. Properly package and ship the malfunctioning FRU using the pre-paid air-bill that arrived with the advanced replacement FRU. Customer is responsible for properly packaging the malfunctioning infrastructure FRU to ensure that the shipped infrastructure arrives un-damaged and in repairable condition. Customer will be subject to a replacement fee for malfunctioning FRU's not properly returned.

1.5.8. Within five (5) business days of receipt of the advanced replacement FRU from Motorola's FRU inventory, properly package customer's malfunctioning FRU and ship the malfunctioning Infrastructure to Motorola's repair depot for evaluation and repair. Customer must send the return air bill back to the repair depot in order to facilitate proper tracking of the returned infrastructure. Customer will be subject to a full replacement fee for FRU's not returned within 5 business days.

1.5.9. For Infrastructure and/or third party infrastructure repairs that are not exchanged in advance, properly package Infrastructure and ship the malfunctioning FRU, at Customer's expense and risk of loss to Motorola.

1.5.10. Clearly print the return authorization number on the outside of the packaging.

1.5.11. Maintain information of software/applications and firmware for re-loading of infrastructure.

1.5.12. Cooperate with Motorola and perform all acts that are reasonable or necessary to enable Motorola to provide the infrastructure repair services to customer.

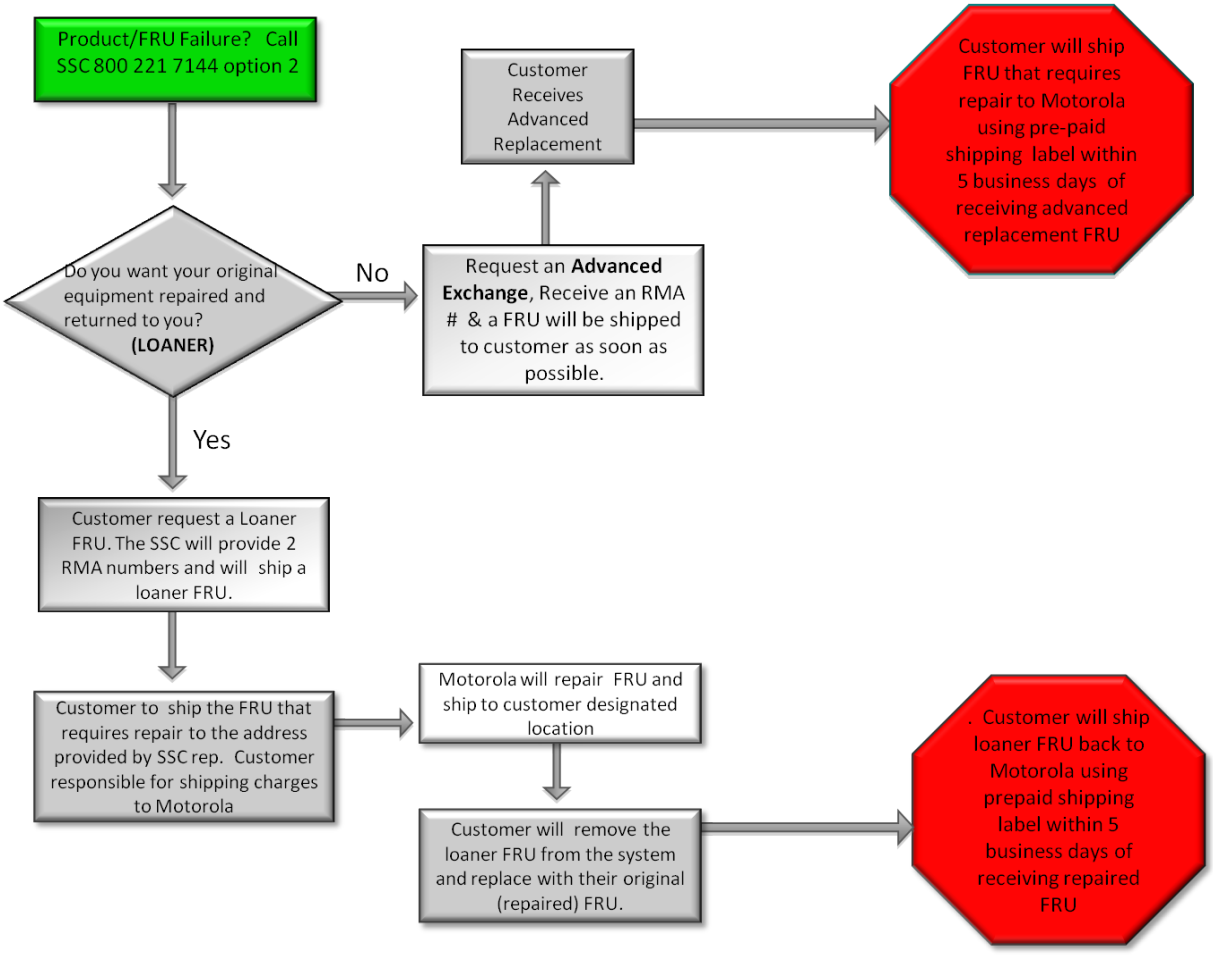

Figure 1-1: Advanced Exchange or Loaner Decision Process

Service	Advanced Replacement Contract Shipping Charges
Exchanges (Outbound to customer)	Motorola
Exchanges or Loaners Next Flight Out (Outbound to customer)	Customer
Exchanges or Loaners Non-Motorola carrier * (Outbound to customer)	Customer
Exchanges (Inbound to Motorola)	Motorola
Loaner (Outbound to customer)	Motorola
Loaner Repair (Inbound to Motorola)	Customer
Loaner Repair & Return (Outbound to customer)	Motorola
Loaner Installation (OnSite Servicer)	Customer

Figure 1-2: Shipping Charges

*Motorola shipping carriers – FedEx and DHL

1.10 APPENDIX I: SECURITY MONITORING SERVICE OVERVIEW

Motorola's Security Monitoring Services includes anti-malware monitoring and authentication log monitoring. There are also options for firewall monitoring, intrusion detection system (IDS) monitoring, and ASTRO 25 system log monitoring.

Motorola's ASTRO 25 Security Monitoring is a complete solution that provides peace of mind and reduces the risk that your network availability will be impacted by a security threat. The solution includes 24x7x365 monitoring of the radio network security elements by experienced, specialized security technologists with years of experience working with ASTRO 25 mission-critical networks. For highly complex or unusual security events, our technologists have direct and immediate access to Motorola engineers for rapid resolution.

This Statement of Work ("SOW") is subject to the terms and conditions of Motorola's Professional Services Agreement, Service Agreement or other applicable agreement in effect between the parties ("Agreement"). Motorola and Customer may be referred to herein individually as a "Party" or together as "Parties"

1. Description of Security Monitoring Services

1.1. Anti-malware Monitoring

ASTRO 25 comes installed with Anti-malware software ("SW"). Security Monitoring will verify that malware definition updates, as provided by the Anti-malware OEM, are installed and running. The anti-malware SW is monitored for activity such as deletion, quarantine, and alerting of suspicious SW.

1.2. Authentication Monitoring

1.2.1. Active directory (including domain Linux and RADIUS) and two-factor authentication log-ins are monitored.

1.3. Firewall Monitoring – The ASTRO 25 system potentially has several firewall options. See Table 1 in the addendum for a list. In any of these firewall applications, Motorola provisions and deploys the firewalls with the ASTRO 25 system. Motorola will monitor each one that has the firewall monitoring option.

1.4. IDS (Intrusion Detection System) Monitoring. An IDS is an option to ASTRO 25 that may be deployed between the ASTRO 25 firewall and the CEN.

1.5. Centralized Log Monitoring

ASTRO 25 has an option that provides the ability to forward device syslogs to a single virtual server called Centralized Syslog Server. This allows monitoring of Linux components for authentication events.

2. Scope

The Motorola Secure Operations Center (SOC) consists of highly trained and experienced security specialists. When an event is detected, the technologists will run remote diagnostics and initiate an appropriate response. This response could involve: continuing to monitor the event for further development, attempting to remotely restore the system, or opening of an Incident for dispatch of a field servicer ("Servicer").

3. **Motorola has the following responsibilities:**

3.1. Provide, maintain, and replace when necessary, hardware ("HW") and SW required to monitor ASTRO 25 security elements. HW may include a firewall, router, or physical server. SW may include virtual servers either on the ASTRO 25 core or a separate physical server, related OS, SIEM collectors, and SW that allows distribution of updates and remote diagnostics.

3.2. Verify connectivity and monitoring is active prior to system acceptance or start date.

3.3. Coordinate with customer to maintain Motorola service authentication credentials.

3.4. Maintain properly trained and accredited technicians. Monitor the customer's system 24/7/365 for malicious or unusual activity.

3.5. Reports are posted to the SSC quality webpage. Contact your CSM for access.

4. The Customer has the following responsibilities:

4.1. Security Monitoring requires a connection from the customer's ASTRO 25 system to Motorola's SOC in Schaumburg. Motorola offers either a T1 option or a Virtual Private Network (VPN) option through a customer supplied internet connection.

4.2. Allow Motorola continuous remote access to monitor the ASTRO 25 system. This includes keeping the connection plugged-in, providing passwords, and working with Motorola to understand and maintain proper administration privileges.

4.3. Provide continuous utility service to any Motorola equipment installed or utilized at the customer's premises to support delivery of this service.

4.4. Provide customer contact information necessary to complete the Customer Support Plan. Notify your CSM within 2 weeks of any contact changes.

4.5. As necessary, upgrade the ASTRO 25 system to supported releases.

4.6. Allow Motorola dispatched-servicers physical access to the equipment when required.

4.7. Comply with the terms of the applicable software license agreements between Customer and Motorola and the non-Motorola software copyright owners.

4.8. Cooperate with Motorola and perform all acts that are reasonable or necessary to enable Motorola to provide the services described in this SOW.

4.9. Obtain at Customer's cost all third party consents or licenses required to enable Motorola to provide the Services.

5. Disclaimer

Motorola disclaims any warranty concerning the non-Motorola software and does not guarantee that customer's system will be error-free or immune to security breaches as a result of these services.

1.11 ADDENDUM

Potential ASTRO 25 Firewalls	
CNI	Customer Network Interface. This firewall separates the ASTRO 25 Radio Network from the customer's IT network (often referred to as the CEN or Customer Enterprise network). There are single and redundant (high-availability) options for the CNI, the redundant option meaning there are two firewalls. Both firewalls must be monitored in the redundant case
DSR	Dynamic System Resilience. This is an ASTRO 25 option where a geographically separated backup master site is implemented as a "hot-standby" in case of disaster at the primary. This option potentially doubles the number of firewalls in the system.
ZCP	Zone Core Protection. This ASTRO 25 option places firewalls at the master site where the RF and console sites connect. This protects the core from attack from a compromised site and propagation of the attack to the other sites. There are always 2 firewalls in this option for redundancy.
TI	Telephone Interconnect. This ASTRO 25 option allows calls to be made to/from ASTRO 25 subscribers. A firewall is required to protect the RNI from the telephone connection. One firewall may serve the dual purpose of the TI and ISSI interface.
ISSI	Inter RF Subsystem Interface. This option allows connectivity to a separate system. The original intent of this option was to connect to another P25 system supplied by either Motorola or any other P25 compliant vendor. This standard has since been used to allow connection to non-P25 systems through additional interfaces such as WAVE. In any case, a firewall is necessary to protect the RNI from this connection.
MCC 7100	The MCC 7100 dispatch console may be configured such that it can connect via Virtual Private Network (VPN) through an internet connection. A firewall is required to terminate on the ASTRO 25 side of that connection. This firewall may be physically located at either a console site or the master site and there may be multiple firewalls for this purpose.
Custom	Some customers may opt to install their own firewalls and want them monitored, most commonly at console sites. The customer will have to work with Motorola to determine if and how custom firewalls can be monitored. Additional charges may apply.

5.1. Service excludes the repair or replacement of Equipment that has become defective or damaged from use in other than the normal, customary, intended, and authorized manner; use not in compliance with applicable industry standards; excessive wear and tear; or accident, liquids, power surges, neglect, acts of God or other force majeure events.

5.2. Unless specifically included in this Agreement, Service excludes items that are consumed in the normal operation of the Equipment, such as batteries or magnetic tapes.; upgrading or reprogramming Equipment; accessories, belt clips, battery chargers, custom or special products, modified units, or software; and repair or maintenance of any transmission line, antenna, microwave equipment, tower or tower lighting, duplexer, combiner, or multicoupler. Motorola has no obligations for any transmission medium, such as telephone lines, computer networks, the internet or the worldwide web, or for Equipment malfunction caused by the transmission medium.

Section 6. TIME AND PLACE OF SERVICE
Service will be provided at the location specified in this Agreement. When Motorola performs service at Customer's location, Customer will provide Motorola, at no charge, a non-hazardous work environment with adequate shelter, heat, light, and power and with full and free access to the Equipment. Waivers of liability from Motorola or its subcontractors will not be imposed as a site access requirement. Customer will provide all information pertaining to the hardware and software elements of any system with which the Equipment is interfacing so that Motorola may perform its Services. Unless otherwise stated in this Agreement, the hours of Service will be 8:30 a.m. to 4:30 p.m., local time, excluding weekends and holidays. Unless otherwise stated in this Agreement, the price for the Services exclude any charges or expenses associated with helicopter or other unusual access requirements; if these charges or expenses are reasonably incurred by Motorola in rendering the Services, Customer agrees to reimburse Motorola for those charges and expenses.

Section 7. CUSTOMER CONTACT
Customer will provide Motorola with designated points of contact (list of names and phone numbers) that will be available twenty-four (24) hours per day, seven (7) days per week, and an escalation procedure to enable Customer's personnel to maintain contact, as needed, with Motorola.

Section 8. INVOICING AND PAYMENT
8.1 Customer affirms that a purchase order or notice to proceed is not required for the duration of this service contract and will appropriate funds each year through the contract end date. Unless alternative payment terms are stated in this Agreement, Motorola will invoice Customer in advance for each payment period. All other charges will be billed monthly, and Customer must pay each invoice in U.S. dollars within twenty (20) days of the invoice date.

8.2 Customer will reimburse Motorola for all property taxes, sales and use taxes, excise taxes, and other taxes or assessments that are levied as a result of Services rendered under this Agreement (except income, profit, and franchise taxes of Motorola) by any governmental entity. The Customer will pay all invoices as received from Motorola. At the time of execution of this Agreement, the Customer will provide all necessary reference information to include on invoices for payment in accordance with this Agreement.

8.3 At the end of the first year of the Agreement and each year thereafter, a CPI percentage change calculation shall be performed. Should the annual inflation rate increase greater than 5% during the previous year, Motorola shall have the right to increase all future maintenance prices by the CPI increase amount exceeding 5%. The Midwest Region Consumer Price Index (https://www.bls.gov/regions/mountain-plains/news-release/consumerpriceindex_midwest.htm), All items, Not seasonally adjusted shall be used as the measure of CPI for this price adjustment. Measurement will take place once the annual average for the new year has been posted by the Bureau of Labor Statistics

Section 9. WARRANTY
Motorola warrants that its Services under this Agreement will be free of defects in materials and workmanship for a period of ninety (90) days from the date the performance of the Services are completed. In the event of a breach of this warranty, Customer's sole remedy is to require Motorola to re-perform the non-conforming Service or to refund, on a pro-rata basis, the fees paid for the non-conforming Service. MOTOROLA DISCLAIMS ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, INCLUDING THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE.

Section 10. DEFAULT/TERMINATION
10.1. If either party defaults in the performance of this Agreement, the other party will give to the non-performing party a written and detailed notice of the default. The non-performing party will have thirty (30) days thereafter to provide a written plan to cure the default that is acceptable to the other party and begin implementing the cure plan immediately after plan approval. If the non-performing party fails to provide or implement the cure plan, then the injured party, in

addition to any other rights available to it under law, may immediately terminate this Agreement effective upon giving a written notice of termination to the defaulting party.

10.2. Any termination of this Agreement will not relieve either party of obligations previously incurred pursuant to this Agreement, including payments which may be due and owing at the time of termination. All sums owed by Customer to Motorola will become due and payable immediately upon termination of this Agreement. Upon the effective date of termination, Motorola will have no further obligation to provide Services.

10.3 If the Customer terminates this Agreement before the end of the Term, for any reason other than Motorola default, then the Customer will pay to Motorola an early termination fee equal to the discount applied to the last three (3) years of Service payments for the original Term.

Section 11. LIMITATION OF LIABILITY

Except for personal injury or death, Motorola's total liability, whether for breach of contract, warranty, negligence, strict liability in tort, or otherwise, will be limited to the direct damages recoverable under law, but not to exceed the price of twelve (12) months of Service provided under this Agreement. ALTHOUGH THE PARTIES ACKNOWLEDGE THE POSSIBILITY OF SUCH LOSSES OR DAMAGES, THEY AGREE THAT MOTOROLA WILL NOT BE LIABLE FOR ANY COMMERCIAL LOSS; INCONVENIENCE; LOSS OF USE, TIME, DATA, GOOD WILL, REVENUES, PROFITS OR SAVINGS; OR OTHER SPECIAL, INCIDENTAL, INDIRECT, OR CONSEQUENTIAL DAMAGES IN ANY WAY RELATED TO OR ARISING FROM THIS AGREEMENT OR THE PERFORMANCE OF SERVICES BY MOTOROLA PURSUANT TO THIS AGREEMENT. No action for contract breach or otherwise relating to the transactions contemplated by this Agreement may be brought more than one (1) year after the accrual of the cause of action, except for money due upon an open account. This limitation of liability will survive the expiration or termination of this Agreement and applies notwithstanding any contrary provision.

Section 12. EXCLUSIVE TERMS AND CONDITIONS

12.1. This Agreement supersedes all prior and concurrent agreements and understandings between the parties, whether written or oral, related to the Services, and there are no agreements or representations concerning the subject matter of this Agreement except for those expressed herein. The Agreement may not be amended or modified except by a written agreement signed by authorized representatives of both parties.

12.2. Customer agrees to reference this Agreement on any purchase order issued in furtherance of this Agreement, however, an omission of the reference to this Agreement will not affect its applicability. In no event will either party be bound by any terms contained in a Customer purchase order, acknowledgement, or other writings unless: the purchase order, acknowledgement, or other writing specifically refers to this Agreement; clearly indicate the intention of both parties to override and modify this Agreement; and the purchase order, acknowledgement, or other writing is signed by authorized representatives of both parties.

Section 13. PROPRIETARY INFORMATION; CONFIDENTIALITY; INTELLECTUAL PROPERTY RIGHTS

13.1. Any information or data in the form of specifications, drawings, reprints, technical information or otherwise furnished to Customer under this Agreement will remain Motorola’s property, will be deemed proprietary, will be kept confidential, and will be promptly returned at Motorola's request. Customer may not disclose, without Motorola's written permission or as required by law, any confidential information or data to any person, or use confidential information or data for any purpose other than performing its obligations under this Agreement. The obligations set forth in this Section survive the expiration or termination of this Agreement.

13.2. Unless otherwise agreed in writing, no commercial or technical information disclosed in any manner or at any time by Customer to Motorola will be deemed secret or confidential. Motorola will have no obligation to provide Customer with access to its confidential and proprietary information, including cost and pricing data.

13.3. This Agreement does not grant directly or by implication, estoppel, or otherwise, any ownership right or license under any Motorola patent, copyright, trade secret, or other intellectual property, including any intellectual property created as a result of or related to the Equipment sold or Services performed under this Agreement.

Section 14. FCC LICENSES AND OTHER AUTHORIZATIONS

Customer is solely responsible for obtaining licenses or other authorizations required by the Federal Communications Commission or any other federal, state, or local government agency and for complying with all rules and regulations required by governmental agencies. Neither Motorola nor any of its employees is an agent or representative of Customer in any governmental matters.

Section 15. COVENANT NOT TO EMPLOY
During the term of this Agreement and continuing for a period of two (2) years thereafter, Customer will not hire, engage on contract, solicit the employment of, or recommend employment to any third party of any employee of Motorola or its subcontractors without the prior written authorization of Motorola. This provision applies only to those employees of Motorola or its subcontractors who are responsible for rendering services under this Agreement. If this provision is found to be overly broad under applicable law, it will be modified as necessary to conform to applicable law.

Section 16. MATERIALS, TOOLS AND EQUIPMENT
All tools, equipment, dies, gauges, models, drawings or other materials paid for or furnished by Motorola for the purpose of this Agreement will be and remain the sole property of Motorola. Customer will safeguard all such property while it is in Customer's custody or control, be liable for any loss or damage to this property, and return it to Motorola upon request. This property will be held by Customer for Motorola's use without charge and may be removed from Customer's premises by Motorola at any time without restriction.

Section 17. GENERAL TERMS
17.1. If any court renders any portion of this Agreement unenforceable, the remaining terms will continue in full force and effect.

17.2. This Agreement and the rights and duties of the parties will be interpreted in accordance with the laws of the State in which the Services are performed.

17.3. Failure to exercise any right will not operate as a waiver of that right, power, or privilege.

17.4. Neither party is liable for delays or lack of performance resulting from any causes that are beyond that party's reasonable control, such as strikes, material shortages, or acts of God.

17.5. Motorola may subcontract any of the work, but subcontracting will not relieve Motorola of its duties under this Agreement.

17.6. Except as provided herein, neither Party may assign this Agreement or any of its rights or obligations hereunder without the prior written consent of the other Party, which consent will not be unreasonably withheld. Any attempted assignment, delegation, or transfer without the necessary consent will be void. Notwithstanding the foregoing, Motorola may assign this Agreement to any of its affiliates or its right to receive payment without the prior consent of Customer. In addition, in the event Motorola separates one or more of its businesses (each a "Separated Business"), whether by way of a sale, establishment of a joint venture, spin-off or otherwise (each a "Separation Event"), Motorola may, without the prior written consent of the other Party and at no additional cost to Motorola, assign this Agreement such that it will continue to benefit the Separated Business and its affiliates (and Motorola and its affiliates, to the extent applicable) following the Separation Event.

17.7. THIS AGREEMENT WILL RENEW, FOR AN ADDITIONAL ONE (1) YEAR TERM, ON EVERY ANNIVERSARY OF THE START DATE UNLESS EITHER THE COVER PAGE SPECIFICALLY STATES A TERMINATION DATE OR ONE PARTY NOTIFIES THE OTHER IN WRITING OF ITS INTENTION TO DISCONTINUE THE AGREEMENT NOT LESS THAN THIRTY (30) DAYS OF THAT ANNIVERSARY DATE. At the anniversary date, Motorola may adjust the price of the Services to reflect its current rates.

17.8. If Motorola provides Services after the termination or expiration of this Agreement, the terms and conditions in effect at the time of the termination or expiration will apply to those Services and Customer agrees to pay for those services on a time and materials basis at Motorola's then effective hourly rates.

17.9 This Agreement may be executed in one or more counterparts, all of which shall be considered part of the Agreement. The parties may execute this Agreement in writing, or by electronic signature, and any such electronic signature shall have the same legal effect as a handwritten signature for the purposes of validity, enforceability and admissibility. In addition, an electronic signature, a true and correct facsimile copy or computer image of this Agreement shall be treated as and shall have the same effect as an original signed copy of this document.